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H. M. HENRY, PRINTER.

"The Peculiar Institution."

From the Pennsylvania Freeman.

ANOTHER ILLUSTRATION OF THE SYSTEM.

We had occasion to copy from a Charleston paper, some time since, a horrible account of a murder committed in that city, by a *lady* on one of her slaves. Here follows a statement of another, committed by a Charleston *gentleman*. It will be seen that in this case, as in the former, the criminal escapes without punishment. A coroner's inquest—composed of course of fellow-slaveholders—exonerates him from all blame, and he walks abroad unwhipped of justice. The unbiassed reader, however, of the testimony here given—meager as it is—cannot fail to see that the man was guilty. A friend of ours, in whom we have full confidence, and who knows all the parties well, says that this man Toomer—who by the way is one of the aristocracy of the city—is one of the most violent and tyrannical of slave-masters; and that he once, as is well known in Charleston, with his own hands, beat out the brains of one of his slaves! Such is the fearful power which this American system gives to the slave masters:

From the Charleston Courier.

TO THE PUBLIC.

On the 16th instant, the undersigned received the following note from Mr. Carew:

Copy of a letter of E. Carew to H. L. Toomer.

16th JULY, 1847.

SIR,—My black servant, Mary, died to-day at two o'clock. She was taken sick on the 5th of July. Her poor, feeble frame, notwithstanding our utmost care and the best medical aid, has sunk under your terrible discipline. I need not dwell on the recital of the gloom that this event has shed over my family, the mourners of her death shroud. But here I had better stop, after adding that when more composed, I will determine on a mode of investigation.

E. CAREW.

Mr. H. L. TOOMER.

This was the first knowledge that the undersigned had that the woman was, or ever had been sick, or of a feeble condition. On its receipt he forthwith repaired to the Coroner, J. P. Deveaux, Esq. and demanded an immediate inquest, and made the following affidavit:

SOUTH CAROLINA—*Charleston District.*

Personally appeared before me, J. P. Deveaux, Coroner of Charleston District, H. L. Toomer, who on oath, deposeth, that in a note of this date from E. Carew, he is thereby informed that a negro slave named Mary, is now lying dead in the yard of the said E. Carew, having come to a violent and untimely death, and that deponent is charged in said note of being the cause of said death.

Sworn to, before me, this 16th July, 1847, J. P. Deveaux, Coroner, Charleston District.

H. LAURENS TOOMER.

The Coroner immediately proceeded to the house of Mr. Carew, and was refused admittance. Subsequently—that is on the morning of the 17th instant—Mr. Carew informed the Coroner the inquest could take place, and appointed four o'clock in the afternoon of the 17th, for that purpose.

It will here be observed, that although Mr. Carew notified the undersigned in his note above, that "he would determine on a mode of investigation" when "more composed," and the undersigned immediately sought that mode which the law pointed out, to wit, a Coroner's Inquest, yet Mr. Carew, denied admittance to the Coroner; and having altogether refused to allow the inquest until ten o'clock, A. M. on the 17th instant, at length appointed a time, twenty hours after the death of the negro, when decomposition had already very far progressed, and when too, the investigation before the Coroner, was actually contemporary with the funeral services of the deceased, and necessarily held on the same premises.

At this investigation the testimony which follows, was taken, that of the undersigned being required by him to be heard.

H. LAURENS TOOMER.

The State of South Carolina vs. the dead body of Mary, a female slave, the property of Edward Carew.

Dr. Elias Horlbeck, sworn.—Says, on the 10th or 11th inst. he was visiting a patient in the yard of Mr. E. Carew, and stopped at the chamber of the deceased. She was labouring under a little fever, but not having been requested by her owner, did not examine her wounds; but recommended cooling remedies to be continued. Deponent did not see her again, until Tuesday last, when he was sent for by her owner. Deponent found one of her breasts inflamed and enlarged, she labouring under a good deal of constitutional irritation, with considerable debility. Deponent could see no appearance of blows upon her breast. Saw several scars upon her back—two scars around her arm. The wounds had the appearance of being inflicted with a cow-hide. In the course of that day, she began to wander in mind—the inflammation increased, and finally put an end to her life, about mid-day on the 16th instant, terminating by mortification of the lower part of the breast. Below that, the inflammation was caused by predisposition, which predisposition may have been caused by fever, consequent to the effects of the whipping. There were no bruises about the breast. Deceased was of a remarkably feeble constitution, and had a child three months old, which is one of the causes of predisposition to inflammation of the breast. Does not think the whipping the immediate cause of her death. The fever was caused from the effects of the whipping, which produced the inflammation in the breast. ELIAS HORLBECK.

Sworn to, before me, this 17th July, 1847, J. P. Deveaux, Coroner, Charleston District.

E. Carew sworn—Says Mary is his slave—that she was well on the 4th of July—apparently so as he had ever known her—she was flogged by Mr. H. L. Toomer on that night, to his satisfaction, as he informed deponent—she took to her bed sick, the next morning, and died on the 16th instant. Has not seen the deceased since the 4th instant. Deceased had at one time a sore breast; some years ago—was very healthy—remarkably feeble frame—does not think the flogging alone caused her death—but that the shock and the whipping caused disease, which produced her death. Deceased had a child three months ago. Mr. Toomer informed deponent he had flogged Mary to his satisfaction.

EDWARD CAREW.

Sworn to, before me, this 17th July, 1847, J. P. Deveaux, Coroner, Charleston District.

H. L. Toomer, sworn—says on the night of the 4th July he was called up, and called for his servants. They were not in the house. On going to his kitchen, he found thirteen negroes there, including his own. Three of them were owned by Mr. Carew, amongst whom was Mary. He punished all of the negroes, except Mary, with fifty lashes inflicted with a cow-hide, through his servant, Carolina. Mary was underneath the bed; he had her pulled out, and she came with a little baby sucking at her breast. Deponent took the baby from her, and made Carolina inflict ten stripes on her with the same cow-hide that the rest of the negroes had been punished with. Deponent then ordered her to dress herself, and go down stairs; and in consideration of her having a young child, he let her go home. Deponent has not seen Mary since, and did not know she was sick, until yesterday he received a note from Mr. Carew, informing him of her death.

H. LAURENS TOOMER.

Sworn to, before me, this 17th July, 1847, J. P. Deveaux, Coroner, Charleston District.

The Jury requested Dr. Horlbeck to make a post mortem examination, assisted by Dr. Bellinger—as follows:

The undersigned, at the request of the Jury, proceeded to inspect the body of Mary—found the body much emaciated—both breasts considerably larger than would have been expected. They had both been in a moderate state of hypertrophy, for which Dr. Horlbeck had attended her some four or five years ago. The right breast exhibited a high degree of recent inflammation, and its effects, such as partial suppuration, and general mortification, with appearance of a tuberculous condition, referred to pre-existing disease. The left breast appeared to have suffered from only recent superficial inflammation, being a part of the general inflammatory condition.

On laying open the marks of the lashes observed on the back and the arm, some eight or ten in number, we found traces of inflammation around and underneath some of them. Internally, the lungs exhibited appearances corresponding to the general inflammatory condition.

Our inference from the above examination is, that the subject laboured under chronic diseased state of the breast, associated with a feeble and irritable habit or constitution, which rendered her liable from a variety of causes, external and internal, (and which would be harmless to a healthy subject,) to suffer from active inflammation.

We regard the same inflammation of the right breast as the cause of her death. This inflammation arose in the course of a fever, which was excited by exposure, possibly other imprudencies, together with the chastisement, and its moral influence on the system. If asked how much agency either of these causes had in producing the fatal results? we answer that it is impossible to determine the matter with accuracy. We can only repeat that slight causes, in such a subject, might be expected to produce serious consequences.

ELIAS HORLBECK, M. D.
JOHN BELLINGER, M. D.

Sworn to, before me, this 17th July, 1847, J. P. Deveaux, Coroner, Charleston District.

STATE OF SOUTH CAROLINA—*Charleston District.*

An Inquisition indented, taken at Mr. E. Carew's, in Meeting street, in the District and State aforesaid, the 17th day of July, A. D. 1847, before J. P. Deveaux, Coroner, upon view of the body of Mary, a female slave, the property of E. Carew, then and there being dead, by the oaths of Theo. Guilliard, Geo. Elie, Geo. Hacker, Robert Wright, Geo. Keils, J. N. Lord, M. Shirer, E. M. Whiting, B. G. Parker, L. F. Behling, Thomas Dixon, W. Ronan, E. C. Keckeley—being a lawful jury of inquest, who being charged and sworn to inquire for the State of South Carolina, where, and by what means, the said Mary came to her death, upon their oaths do say—from inflammation of the right breast the cause of her death. This inflammation arose in the course of a fever, which was excited by exposure, and other imprudencies, together with the chastisement inflicted by Carolina, by order of H. L. Toomer, and its moral influence on her system: and so the said jurors aforesaid, upon their oaths aforesaid, do say that the aforesaid Mary came to her death by the causes aforesaid.

In witness whereof, I, J. P. Deveaux, Coroner aforesaid, and the Jurors aforesaid to this Inquisition, have set our hands and seals, the day and year last aforesaid.

J. P. DEVEAUX, *Coroner.*

Thomas Gaillaird, *foreman*; E. M. Whiting, M. Shirer. H. Willis. Jr., G. M. Keils, Luder H. Behling, Geo. S. Hacker, Jacob N. Lord, R. S. Wright, E. C. Keckeley, B. J. Parker, W. Ronan, Thomas Dixon, Geo. Elfe.

Here follows a letter from a Mr. Wragg, brother-in-law of Toomer, testifying that the woman came to her death by other causes than that of the whipping. We omit this for the sake of brevity.

TO THE PUBLIC.—The statement of H. Laurens Toomer, which appeared in the Courier of yesterday, calls for a word of explanation in reference to the transaction which is the subject of it; and this rather for the purpose of supplying omissions, which are necessary to a fair understanding of the circumstances, so far as I am personally concerned, than, with a view of enlisting public sympathy, or inducing a prejudgment of the case.

It is stated that I objected to an inquest, and kept the body of the deceased "twenty-six hours" after death, and until "decomposition had already very far progressed." This is well calculated to mislead the minds of those who are now called on by Mr. Toomer to decide upon his culpability in his treatment of the unfortunate victim of his severity, and to place me in the position of objecting to such an investigation as was necessary for the development of truth. Now the *facts* of the case are these:

My note informing Mr. Toomer of the death of the servant, was written about three o'clock, P. M. in an hour after the event. In the course of the afternoon, Mr. William Simons called on me, and stated that he had come from Mr. Toomer, to propose that the body should be subjected to an examination by three physicians, of whom Mr. Toomer's brother-in-law, Dr. Wm. T. Wragg, should be one. My answer to this was, that I could entertain no proposition coming from such a source. About midnight I was aroused from a sick bed by Mr. Coroner Deveaux, who said, acting upon information derived from Mr. Toomer, he had called for the purpose of holding an inquest over the body of Mary, who had died of wounds charged to the infliction of Mr. Toomer. I told the Coroner that he should hold no inquest on my premises at that unusual hour, and that when I desired his services I would send for

I regarded the time as most unseasonable, and was determined that the proper administration of public justice should not be frustrated by proceedings conducted under the obscurity of a midnight investigation.

At an early hour next morning, I communicated with the Coroner, and met him, by appointment, at 10 o'clock. I then informed him that the body was on my premises, and subject to his official examination. He requested me to name an hour for the Inquest. I replied that any hour would suit me, so that it left me time sufficient for her interment during daylight, and 4 o'clock was agreed upon, as convenient for all parties.

The public will therefore perceive that the entire extent of my objections to an Inquest, consists in refusing to permit it to be held at midnight, at the instance of Mr. Toomer, who, for reasons known to himself, chose to pass over all the intervening time, between the reception of my note, informing him of the death of the servant, to a period so ill-suited to a proper examination of such a case.

The funeral ceremonies to which allusion is made in the statement of Mr. Toomer, were held at the usual time, immediately preceding the removal of the body from the yard. It has ever been my practice to permit the observance of these religious duties upon any occasion of death among my servants, and I shall continue to do so, without the slightest reference to the wishes or opinions of others. I did not, in the instance before me, make any departure from my usual custom, either with reference to the obsequies themselves, or to the time of their performance.

With the volunteer statement of Mr. Toomer's brother-in-law, I have nothing to do. The public are as well qualified as I am, to judge of its claims to impartiality, and the weight to be attached to it.

I do not deem it proper, at this time, to enter into the details of this painful transaction, as it will, in all probability, be brought before another tribunal, where the facts will be fully elicited, and justice awarded to all concerned. EDW. CAREW.

Pro-Slavery.

From the Daily Globe.

THE FRUITS OF ABOLITION FANATICISM.

The *Charleston* (S. C.) *Mercury* publishes a communication from a Baltimore correspondent, setting forth that the Baltimore and Ohio Railroad will terminate at Wheeling, and that all connection with Pittsburg, or any portion of Pennsylvania, is to be avoided. The cause of this change of purpose is said to have originated in the recent disgraceful riots at Carlisle, Pa. in attempting by violence and bloodshed to arrest from the custody of their master three runaway slaves. The attempt to enforce the new law of Pennsylvania, and the new law of Congress, adds this writer, has debarred all connection with Pennsylvania with this great Maryland work. For, under this new law, if the road passed through Pennsylvania, the citizens of the whole South would be deprived of its use, if accompanied by their servants. Sogreat is the feeling throughout the whole South, says the writer, that Pennsylvania will be shunned in future by Southern dealers of all kinds, as they will make sacrifices, if necessary, rather than give their business to a State that is interfering with their constitutional rights.

In commenting upon this the *Courier* remarks that it "notes it as a significant indication of what is the necessary and legitimate result from the course of the Northern movements on the Slavery question. Can they expect that we will unite ourselves more intimately with them, when every cord is used by them to bind us more helplessly to the stake—while their WILMOTS and HANNIBAL HAMLINS are organizing the destruction of our institutions? We can as safely trust fire in a magazine as such spirits in the intimate communion that an active commerce would bring about. Maryland is the frontier slave State, and she has decided wisely for herself and happily for the slave States, in separating her people from those who seek to disturb her repose, and drawing more closely the ties of union with good old Virginia. Happy for us will be the day when the whole slaveholding country shall be perforated with railroads, connecting and uniting together every portion of it. We shall then be impregnable, and if the whole world were to cease intercourse with us, we could live within ourselves, independent in our vast resources. We rejoice in the spirit of improvement which is now so rife in the South, and we exultingly look to it as the surest and most efficient means of giving us not only prosperity but safety.

"But we forbear for the present. We note this decision of Maryland, and the grounds of it, as one of the most important events of the times. Leading Northern men are yielding step by step to abolition, and thereby cutting one by one the ties that unites us. *They compel us to seek safety in new relations and new arrangements.* They first surrendered the feelings of harmony and affection. They have invaded our political rights; they trample on our social relations; they excommunicate and drive off our churches, and now most naturally follows our trade and commerce. Is it not time for their men of thought and influence to reconsider and retrace their steps? We entreat them to pause ere it is too late. We love this Union in its purity, and we would save it as a Union of peace and love; but that can only be done by the North and West—by wise and timely return on their part to that *fraternal course* towards us which distinguished the conduct of their fathers in the early and best days of the Republic."

Selections.

From the Louisville Examiner.

THE ANSWER.

We occupy a difficult position. One, coolly looking on, or sitting snugly in office or parlour, may exclaim,—"Oh, I could do this, or I should not do that—I would say so, or I should not say so, I could easily avoid this difficulty, and use this advantage, and thus succeed." Let him try. He will soon know the reality of practice, and the folly of theory. He will quickly find that he has responsibilities to meet which stagger his courage, and duties to perform which more than test his best wisdom and highest purity.

The truth is, a demand is made on poor mortality when called to high and difficult duty, which only the complete man can rightly fulfil. We can tolerate no slip in one in this position. We look to see him armed in proof-mail. He must bear a spotless shield. We all *demand* this, and nothing less will satisfy us. And if such a spirit could be found, if earth could produce one such man, uniting the firmness of Luther with the love of Melancthon, exhibiting the pluck of the brave old Taylor, when he said, "come and take me," or when resting on the battle-field, he exclaimed, "we will feel their pulse in the morning," combined with the lofty and unswerving purity and mildness of a Channing or a Grimké, what a summons he would have, and how would the world meet and greet him! But where shall we find such a being? Who unites, here and now, these great qualities? Who can say, "I am ready for the summons?"

Looking over a budget of letters, which the publication of our paper has called forth, (some of which came from the Carolinas and Georgia,) we have felt, more deeply than we can express, the immense difficulties we have to encounter, and the entire singleness of purpose, we must possess, or seek to possess, if we would do the duty set before us, faithfully. The most opposite views are suggested in them. Principles, as contradictory as may be, are pressed as the only principles which can gain our end, or give the meed we seek. We have only to say, with the kindliest feeling, to one and all,—"We thank you deeply for your sympathy: we shall consider carefully your views; listen with respect to all the suggestions made; but, at the same time, we must consult our own conscience, and abide its decree." Can we do more? Would any just man have us do *less?*

Passing from these general considerations, let us notice, and answer, if we can, some of the criticisms and objections which are made to our course.

1. It is said, we make concessions to slaveholders. Concessions! Wherein, and how? We shall be *just* to them. But never do we mean to yield up for them, or for anybody else, principle, right. True, we declared we should, in all that we might do or say, pay a proper regard to their prejudices, seek to ward off all perils which might beset them, weigh their interests, and be just, and violate no right in attempting to remove a wrong. But this we consider principle, right Christian principle, and we shall always endeavour to act upon it. Are we, therefore, called upon to wink at wrong, to cease proving to the quick, error, to push caution and silence to insincerity, to do justice, not by what we say, but by what we do *not* say! Far from it. We are free, and feel all the readier and stronger to battle every evil, and sin, and wrong, from acting on this principle.

2. It is objected, again, that we are apologists of Slavery. Strange, this! It is surely a mistake.—We may deceive ourselves; perhaps do; but such a proposition or thought has not even crossed our mind. Apologists of Slavery! No freeman, North or South, should apologize to any human being for the assertion, in its broadest form, of liberty of speech. No Southern man should stand bareheaded before Southern men, and ask, as of superiors, whether he should discuss Slavery. The wrong and wretchedness of the slave system are before us. We are discussing them. We shall continue to discuss them fearlessly. But we shall do it in a way to gain the largest Southern audience; to reach the greatest number of masters and non-slaveholders: and this, too, not upon grounds of expediency, but of principle, of that principle which, while it yields nothing, is careful to give no just cause of offence or alarm, which conciliates, but never compromises.

3. It is declared, besides, that we are opposed to the Anti-Slavery movement. Not in any form or shape! Why, on this we rest all our hope. It is, as it has been, the true leaven of liberty. God teaches us, through history, and in all social movements, that even fanaticism in its worst form is made productive of good—does advance society, and elevate man. Who was the Ana-Baptist? A fanatic, yet he helped to gain liberty for Europe. Who the Puritan? A bigot, yet his bigotry enabled us to win our freedom. Be it, then, that the conduct of Anti-Slavery men has been full of errors, still we should not be blind to their virtues, or the good they have done. We should never assail the spirit-movers of *reform*. We, certainly, could not condemn the first full declarers of the rights of man, even by implication. We trust the day may never oe, when we shall deny the debt of gratitude we owe them.

Let it be borne in mind, (if it be we shall be saved some trouble, and much misapprehension,) that we speak to and for Kentucky, and, as far as we can, to and for the South. This is our field. We know that those who occupy it, must plant themselves on the broad principle of right. We shall *try* to do so. But we must not quit this field, and if we have the strength to carry out our plan, nothing shall force us from it. We see in naked reality the trial position which we occupy. And we shudder at the responsibilities which it involves; but we shall strive to forget these, to forget friendly cheer or hostile assault, to forget everything, as we ask, how shall we win freedom for Kentucky—and struggle with all the manhood God and Nature have given us, for the glorious consummation.

From the Roxbury Gazette.

NEW HAMPSHIRE ELECTION.

The happy revolution in the politics of New Hampshire, is owing, in a general sense, to the abolition movement throughout the free States, but more directly to the organization of the Liberty party.

That species of Whiggism which comprehends nothing beyond tariffs, banks, and similar economical measures of public policy, after seventeen years of uninterrupted defeat, had in New Hampshire dwindled into insignificance, and its struggles were regarded with indifference, if not with contempt.—Whiggism in that State, had actually reached that point designated by Mr. Hannegan, as the possible abode of Mr. Polk. It had sunk so low that the hand of resurrection could not reach it.

It was the voice of liberty proclaimed among her granite hills, awakening the memory of other days and of heroic men—of days and men devoted to the sacred cause of human liberty—that aroused a slumbering people to the duty of breaking the fetters of that political bondage which Slavery and its natural ally had fastened upon them.

The stale cries of Bank, Tariff, Internal Improvements, &c. fell powerless upon the ears of a busy agricultural population, but a revelation from the bloody fields of a war waged for the sole purpose of extending the empire and augmenting the power of Slavery, and the bloody spectre of a military chieftain, striding, amid the acclamations of a debased and gaping people, through scenes of pestilence, blood, and death, of his own creation, to the summit of civil power, startled them, as it would startle everything but blocks and ruffians, from their disgraceful slumbers, and inspired them with a determination to go forth to battle and to victory.

The Liberty party of New Hampshire, by the power of its organization, offered a bait, which the old Whig and Democratic parties were anxious to clutch, even at the hazard of adopting some of its principles, and in the contest which ensued, the old party lines have become nearly obliterated.

Tuck was supported solely upon the principle of opposition to Slavery. He was formerly a Democrat, but followed the fortunes of Hale, when the latter was spurned from that party. He may, for aught we know, still be an advocate of free-trade and a sub-treasury. Wilson has been, up to a recent period, a Whig of regular standing; but as an essential preparation for the contest, he was constrained to declare himself to be, what, in Massachusetts is denominated a "Conscience Whig." Without the support of that declaration, he would have been hopelessly defeated:—with it he has gloriously triumphed. It was on account of the success of such men as these *in New Hampshire*—men, whose like in Massachusetts are daily spurned by the self-appointed dictators of the Whig party—that cannon, charged with Whig ammunition, have been made to greet the skies with their thunder, as an evidence of the exceeding great joy which the result has occasioned.

We are not displeased at these demonstrations; far from it. But it has become necessary for us to accord the credit of political success to the parties to whom it belongs. Know, then, you who are tossing your hats for the recent brilliant triumphs in New Hampshire—triumphs which, it is not improbable, may change the character of the next Congress, and which may possibly control the election of President for the next term—know that they are Anti-Slavery triumphs, won by the exertions of those against whom many of you are vainly and ridiculously waging perpetual war.

The Standard.

Brazilian Slave Case.

DECISION OF JUDGE DALY.

This is an application upon a writ of *habeas corpus* to discharge Jose da Costa, Jose da Rocha, and Maria da Costa, alledged by the relator, John Inverness, to be restrained of their liberty by Clemento Jose da Costa, master of the Brazilian barque Llembranca.

It is set forth in the return of the master, that the persons above named were brought from Rio de Janeiro to the port of New-York, in the barque aforesaid. That the two first named, Jose da Costa and Jose da Rocha, were shipped on board the Llembranca at Rio de Janerio as part of the crew, and as such he is required to take them back by the laws of Brazil. That the woman Maria has come upon the voyage to this port as a servant and nurse to his wife and family, in whose service she now is. It is further set forth in the return, that Jose da Costa and the woman Maria, are slaves, lawfully acquired by the respondent, according to the laws of Brazil, by which laws Slavery is permitted, and the acquisition, possession, and transfer of persons as property, allowed, recognized, and protected.

That Jose da Rocha is also a slave, and the property lawfully acquired is as aforesaid, of Antonio Jose da Rocha Peresira, of Rio de Janerio, part owner of the barque, and by him committed to the custody of the respondent.

These facts are admitted by the relator, but he denies that they are sufficient to justify the detention of the parties concerned.

The fact that Jose da Costa and Jose da Rocha constitute part of the crew of the Llembranca, is an answer to the application for their discharge. By § 31st, of the existing treaty between the United States and Brazil, provision is made of the arrest, detention, and custody of persons composing a part of the crew of any public or private vessel of either nation, who shall desert.

The Consuls of the respective nations are authorized to apply to the proper judicial authorities, and upon proving by the exhibition of the ships roll, register, or other document, that the persons claimed were part of the crew, they are required to be delivered up. They are to be put at the disposal of the consul, and may, at his request, be placed in any public prison until sent to the vessels to which they belong, or to others of the same nation. The treaties made under the authority of the United States, are declared by the 6th Article of the Constitution to be the supreme law of the land, to be binding upon the Judges of every State, anything in the Constitution or laws of any State to the contrary notwithstanding.

I am bound, therefore, to regard and carry out the provisions of this treaty. And it would be a palpable violation of its obvious meaning and intent, to discharge persons upon a writ of *habeas corpus*, admitted to be part of the crew of a Brazilian vessel. If the two persons should desert, they could be reclaimed as a part of the crew. It would be the duty of the judicial tribunal of this State, in such a case, upon the proper application, to deliver them up.

The right of the master to detain them as a part of his crew, is necessarily implied. When a duty is imposed to deliver them to him, should they desert from his service, he undoubtedly has a right to detain them as a part of his crew, if he has a right to reclaim them when they leave his vessel.

That they are slaves does not alter or vary the case, for were I to hold that they are free persons, according to the laws of this State, the master would still be entitled to retain them as members of his crew.

They must, therefore, be returned on board the vessel from whence they were brought, in obedience to this writ.

It will not be necessary to determine the principal question argued upon the return, to wit:—Whether slaves voluntarily brought into this State, are to be regarded as property within the meaning of that section of the treaty by which the United States has stipulated specially to protect the property of subjects of Brazil.

The point is not material to the matter now before me. Da Rocha and Da Costa are left in the custody of the respondent, not upon the ground that they are his property, but because they compose a portion of his crew.

The question could only be material as far as respects the right of the respondent to detain the woman, Maria. But she, by her own declaration, is under no restraint. The writ has been sued out without her knowledge, privity, or consent. She has expressly declared her unwillingness to leave the service of the respondent, and expressed her desire to return with him to Rio de Janiero.

As she is on board the respondent's vessel of her free will, she cannot be regarded as under restraint. The interposition of this writ, therefore, in her behalf, is not called for. She has elected to remain where she now is, and there is no room to make any order respecting her.

We give below a report of the speeches of the Counsel in behalf of the slaves. That of Mr. Jay is nearly *verbatum*. We regret that we could not procure an equally full report of that of Mr. White.

SPEECH OF MR. JAY.

[Reported for the Standard]

Mr. Jay, in reply to Mr. Purroy, commenced his argument by remarking that the case now presented to his Honour, the first which he had been called upon to adjudicate since his elevation to the Bench, involved questions alike interesting and important. Upon the decision of the Court, would depend not only the freedom or servitude of the two Africans on whose behalf the proceeding had been instituted, but the fundamental principles of law which were to govern in future cases of a like character, and which, so far as they regarded the integrity and efficacy of the writ of habeas corpus, were of great moment to the whole community. This matter involved also, in the opinion of some persons, the relation now existing between the United States and Brazil. This opinion, in which he did not concur, was based, as he understood, upon the protests which the Consul General of that empire, residing in the city of New-York, had thought proper to interpose, first in the proceedings before Judge Daly, and again in the present one before that Court—protests denying the jurisdiction of the Courts over the negroes, claiming them as the property of the Captain, and declaring that in case of their liberation, the empire of Brazil would demand indemnity from our Government. A portion of the newspaper press—the framers, and utterers to some extent, of public opinion, had taken advantage of this singular procedure, to create a prejudice against the Africans, and those who espouse their cause, by enlarging upon the danger of increasing the irritation now existing between the two nations, and deducing the expediency of his Honour's avoiding so great an evil as that of displeasing the Emperor of Brazil and his respectable commercial representative at their port, by remanding the negroes to the custody of the Captain, and rebuking the obstinate perseverance of the meddling Abolitionists.

With regard to these Consular protests, he perfectly understood the duty and the propriety of a foreign Consul coming forward to protect property belonging to subjects of his nation, when that property was in dispute, and the owner of it was absent. But the reason of these protests he did not understand. Without, however, stopping to express an opinion of the propriety or delicacy of a foreigner, clothed with no higher authority than that of Consul, volunteering to advise American Judges of the limits of their constitutional authority and official duties, he thought it proper to remark, that whatever regret they might perchance feel at displeasing any of the parties immediately opposed to them in this matter, or the sympathizing editors who were so scandalized at their wishing to rob the Captain, and embroil the country in a war, they should not forget that theirs was a free State, and that Court, a Court of justice, a Court bound to administer, and he believed ready to administer, the law as it was written in the Statute-book, and declared by the highest judicial tribunal without regard to the smiles or frowns of principalities and powers, or the fulminations of newspaper editors—a Court ready to award even-handed justice to the humblest suitors, even though they were ignorant Africans, whose chains, first imposed by the slave-trader on the coast, he claimed, had fallen from their limbs, never more to be re-united, from the first moment when they placed their feet upon our soil. Firmly believing that these men were entitled to their freedom, and believing also that their rights would be fairly investigated and impartially determined, he would endeavour to present clearly and calmly, the preliminary points to which, in that argument, his Honour had restricted them.

The parties claiming the protection of the Court were, as he had stated, native Africans, who, having been kidnapped in violation of the laws of nature and of God, and reduced to Slavery by an act which, by the laws of this country was accounted piracy, and punished with death, now stood, for the first time in their lives, on a soil which, with the single exception of fugitives from the Southern States, knew no slave and no Slavery. In defiance of that law, they were now claimed as slaves by their late master. At the time of the service of the writ, they were treated as slaves in this port, beaten, handcuffed, chained, and imprisoned—and it was to test the legality of that treatment, and to secure their rights, that the negroes, through himself as their attorney, had instituted that proceeding.

And here they were met by the objection, which, by his Honour's direction, they were first to answer—an objection raised by the slaveholding Captain, who, as it appeared from the record, reserved his vengeance against the Africans for seeking their freedom, until he had escaped from the vicinity of a free State, and was once more with them on the high seas, with naught but the Brazilian flag floating at his mast-head, and Brazilian law ruling upon his deck, and whose anticipation, in that regard, with God's help, they intended to disappoint. The objection—a novel one in a proceeding by habeas corpus—was, that this was an adjudicated case—that the Captain's claim to the custody of the negroes had already been decided by Judge Daly, and could not again be examined.

Mr. Jay said that before proceeding to the argument of this question, he would call the attention of the Court to its vast importance, not only as regarded the people generally, but from the peculiar position in which, if the doctrine contended for were affirmed, these negroes would be placed. Subjected to illegal imprisonment, and threatened with personal violence, and even death, they had appealed for protection to the judicial tribunals of the land. If those tribunals refused to aid them, what course would be left for them to pursue. Let Chancellor Kent answer the question:

"The municipal law of our own, as well as of every other country, has likewise left with individuals the exercise of *the natural right of self-defence* in all those cases in which the law is either too slow or too feeble to stay the hand of violence. Homicide is justifiable in every case in which it is rendered necessary in self-defence, against the person who comes to commit a known felony with force, against one's person, or habitation, or property. * * The right of self-defence in these cases, is founded on the law of nature, and is not and cannot be superseded by the law of society. In these instances, says Sir Michael Foster, the law with great propriety, and in strict justice, considers the individual to be under the protection of the law of nature."

Mr. Jay said, that should such an emergency arise, he should not hesitate a moment to explain to his clients and to their friends the principles so clearly expounded by Chancellor Kent; principles which no man, with the spirit of a man, unless restrained by the conscientious scruples entertained by the Friends, would hesitate to adopt, when threatened with slavery. He did not, however, believe that such an emergency would arise. He believed that the writ of *habeas corpus*, which had so long been regarded and cherished as a stable bulwark of civil and personal freedom, had suddenly become so shrunken and shrivelled, as to leave the liberty of the citizen at the disposal of a single Judge; for if that were indeed so, its former character were gone, and it was become an instrument of oppression.

Mr. Jay then presented and argued the following points:

Points *Contra* the plea of the claimant, that the decision of Judge Daly is *res adjudicata*, and that this writ of *habeas corpus* must therefore be dismissed.

I. The writ of *habeas corpus* is a substantial right, and not the mere shadow of a right. It is a writ *ex debito justicia*, intended to afford an easy, prompt, and efficient remedy for all unlawful imprisonment—a writ to which all persons are entitled in the most expeditious and ample manner, and by which personal liberty is not left to rest for its security upon general and abstract declarations of right—nor allowed to depend upon the arbitrary discretion of any one man.

It is a writ, for the denial of which, Judges are made personally responsible, and of the benefits of which no man can rightfully be deprived.

2, Kent's Com. p. 26, et seq. on personal liberty and security. 1, Stephens on the Eng. Constitution, page 454, title Habeas Corpus Act. 2, N. Y. Rev. Stat. 563, et seq. and especially § 44, (§ 42) stating the excepted cases into which the Court cannot inquire.

In Great Britain, from which we received the *habeas corpus* act without alteration, it is well established that the doctrine of *res adjudicata* has no application—but that a party restrained of his liberty has a right to the opinion not only of every Court, but of every Judge, as to the legality of the imprisonment, and that each Court and Judge, when applied to, are bound to consider and decide the case upon their own examination, without being concluded by previous decisions in the same matter.

Ex parte Partington in the Court of Exchequer, (1845) 13, Meeson & Welby 679, per Parke B. and Pollock C. B. See the same case reported, 2, Dowling & Lowndes Practice Reports, 650, and 9, London Jurist, 93.

II. It has never been determined in our Courts that the doctrine of *res adjudicata* applies to decisions in writs of *habeas corpus* involving the liberty of the citizen. Such a principle, once established, would destroy the essential value of the writ, as affording "a free, easy, cheap, expeditious, and ample" remedy against infringements of personal liberty, and would tend to place the liberty of the citizen at the disposal of *a single Judge;* which is the very thing the writ is intended to prevent.

The case of the People *vs.* Mercein (25 Wend. R. 64,) which has been relied upon to maintain such a doctrine, involved *no question* of personal liberty—but simply the question, whether the custody of an infant child, under a certain state of facts, should be given to the father or to the mother. Various writs having been issued, and the matter having repeatedly occupied the attention of the Judges, the Court for the Correction of Errors, after a full examination of the testimony, declared, by special resolution, that *that case* was *res adjudicata;* (see remarks of Cowen, J. People *vs.* Mercein, 3, Hill 440,) but their decision did not extend to any case involving personal liberty; and no general language used by individual Judges in their opinion, can suffice to abridge or lessen the constitutional authority of this writ of right.

A decision tending by an enlarged construction to

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overthrow or impair a fundamental right, must receive such a construction as shall best preserve the liberties of the people—and the decision in this case on the point of *res adjudicata*, declared as it was by a special resolution, only recognizes the right of a Judge to apply the doctrine of *res adjudicata*, to all cases of *habeas corpus*. Such decision would have been utterly inoperative to abridge the right of a person restrained of his liberty to the full benefit of the writ, according to its ancient character—which includes his right to the opinion of every Court and of every Judge, upon the legality of his imprisonment—for the reason that the right to this writ is secured, not only by the Constitution of this State, but by *the Constitution of the United States*, and cannot, therefore, be taken away, crippled, or abridged in any degree by the legislation or the adjudications of individual States.

III. In case the doctrine of *res adjudicata* could apply in its full force to proceedings on habeas corpus,—involving the liberty of persons, which is utterly denied—this matter upon the facts shown by the record, is clearly not within the rule, but must be held to be *res integra*, and *res intacta*, as wanting in all the essential requisites to constitute it an adjudicated case.

Upon the essentials of *res adjudicata*, &c. 2, Kent's Com. 12 Co. Lib. 352—b. 303. 2 Bronson J. in People vs. Mercein—25, Wend. 82. Same case, 3 Hill 420.—3.—Cowen and Hills Phil. on Evidence p. 824 Note 586. and authorities there cited.

1. The decision of Judge Daly was *not* a solemn decision of a Court of Justice, or of a Judge *in the exercise of his rightful jurisdiction*, for the reason that a Judge of the Common Pleas, under the new Constitution, has no authority to issue a writ of habeas corpus—and it was in a proceeding *coram non judice*, for the additional reason that the writ had been formally dismissed by the attorney of record, by whom the same had been issued, the said attorney being clothed also with full authority from the negroes, before any order was made, or decision pronounced, or opinion given, and there was, therefore, no proceeding before the Judge, nor any conflicting claims to require, or justify his decision of the questions raised by the return.

Upon the right of a plaintiff to discontinue his plaint at his own pleasure, and suffer a *nonsuit*, see

3. Blackstone's Com. 376, 7.—1. Burrill's Prac. 241. People *vs.* Mayor's Court of Albany. 1, Wend. 36. Wooster *vs.* Burr—2, Wend. 295.

2. The proceeding before Judge Daly was not between the same parties or privies—but a matter *inter alios acta*—between the relator, John Inverness, and the Captain—with which the Africans had nothing to do. It was a proceeding instituted without their privity or consent—and by which they are in no way bound. The relator was to them a stranger, the counsel unknown and unauthorized; ignorant of the language, they had no understanding of the matter.

3. A decision is not *res adjudicata*, unless the parties to be affected by it have had an opportunity of being fairly heard, and the decision is made upon due deliberation by the Judge. These Africans, in the former proceeding, were denied a hearing. The order of the Court was based upon an admission on the record made without their authority, knowledge, or assent—and the truth of which they positively deny.

Upon the point that records are only *prima facie* evidence, and may be disproved, see

Bradshaw *vs.* Heath.—13. Wend. 407.—Language of Hosmer, C. J. quoted in same case. *Idem* 415—416, and Shumway *vs.* Stillman, 6, Wend. 447.—2, Rev. Stat. 563. *et. seq.* as to the rights of the party to shew the facts relative to his imprisonment.

4. The grounds of the decision must be the same actually and necessarily, so that the evidence in the one would support the decision in the other.

In this case the former decision was based on the admission upon the record that the Africans were seamen, the present record shews they are not, and cannot be, seamen, in the meaning of our law, and it further shews a new imprisonment, manacling, and restraint differing from any that appeared in the first proceeding, and which, of itself, admitting them to have been seamen, was a breach of the contract assumed to exist between them and the Captain—and has rendered that compact void, and determined the relationship in which the opinion of Judge Daly declared that they stood.

IV. This writ should not be dismissed on the ground that the case is *res adjudicata*, even did it possess the essentials which it wants for the reason that it appears by the opinion of Judge Daly that the Africans were remanded as seamen, although admitted by the Captain to be slaves, and it being an established principle that no slave can either make or assent to a contract, and it being the law of this State that all slaves brought within its borders are free, and that servitude under any possible form, pretence, or circumstances, shall not be recognized by our courts, save in the single case of fugitives held to service in the Southern States, it would be a violation of constitutional right, a denial of justice, and an outrage upon personal freedom, were a Judge when appealed to for protection upon habeas corpus to dismiss that writ upon the strength of a decision shewn to be erroneous, and remand these Africans to an imprisonment known to be unlawful, to a condition of servitude which the law abhors, and has peremptorily forbidden, and to the power of a master who has threatened them with violence the instant he escapes from the jurisdiction of a free State.

SPEECH OF MR. WHITE.

[Reported for the Standard.]

Mr. White, the additional Counsel in behalf of the slaves, followed Mr. Jay. We give an abstract of his argument.

In the argument of this matter, said Mr. W. I shall confine myself simply to the record. We have nothing to assume for or against the alleged claims; we have not to assume that Judge Daly has jurisdiction in this matter, neither have we to assume that he has not. Estoppels are not favoured anywhere, hence the party who sets them up, must prove them conclusively; there must be nothing left for inference, or misinterpretation, or controversy—all must be clear on the record itself.

After disposing of these facts, the following question comes up:—Has this matter, as now presented before this Court, on the application for the writ of habeas corpus, in the Report, and in the sworn answer to that Report, as presented by the papers enumerated, and the subject matter which those papers reveal—already been adjudicated?

This is the question to argue—this is the question to be decided upon by your Honour.

And first—what does the return to the writ made before your Honour set up, by way of estopping these negroes from inquiring into the cause of their detention? We claim the right of investigating the reasons for the detention and imprisonment of these individuals. The opposing Counsel denies this right, and assumes that we are estopped from that inquiry because the inquiry has already been made by a Court of jurisdiction. Let us see if he presents enough to prove anything.—A petition has been presented for a writ of habeas corpus; that writ was allowed. The return was as follows: (It set forth that in obedience to a writ of habeas corpus, the Captain of the Brazilian barque had brought the two negro slaves before Judge Daly—that proceedings were duly had before the Judge, and that on or about the 16th day of July, the slaves were, by decision of the Judge, remanded into the Captain's custody;—said decision, the return maintained, was still unrevoked.) And now as to the original record, for, until we arrive at this point, all that has been said by the opposing parties has been by way of inducement. Because, if there be a record to estop, we must be estopped by the record itself, and not by the interpretations or explanations the parties choose to make in respect to it.

In respect to the record upon which the opposing Counsel has based his doctrine of estoppel or *res adjudicata*, I shall maintain,

First—That it is no record in the meaning of any authority.

Secondly—I Contend that estoppels are of three sorts. First—by matter of record. Second—by matter of deed. Third by matter in pais.

Here I beg leave to read the component parts of the record which is to estop us.

First—A petition presented by John Inverness to Judge Daly for a writ of habeas corpus.

Second—Allowance of the writ.

Third—the return to that writ.

Fourth—What purports to be an admission by Mr. Hopper, as Counsel, on the back of the return.

Fifth—The written opinion of Judge Daly.

And now, I beg leave to read the opinion. (This opinion, as is already known, stated that the two male negroes should be returned on board the vessel and left in the hands of the Captain, and that the woman Maria being on board of the ship of her own will, the interposition of the writ in her behalf would be uncalled for, and therefore no necessity to make an order respecting her.) The opinion of the Court here is no record. The opinion is the authority for the record, it is itself no part of the record. Take the case of a trial before a Jury. A question is presented before the Supreme Court for argument. Unless the opinions there presented are followed by a judgment by the Court, either granting a new trial or refusing it, the case stands in the same attitude that it would if it never had been tried. The opinions of the Judge may be quoted, but constitute no part of the record. And here in the proceeding before Judge Daly we find an application made for a writ, writ issued, return made, opinion given, but no judgment was ever given, no record ever made. This brings me to the law on the question of estoppel or res adjudicata.

First—What is an estoppel?

Coke's definition of an estoppel is, "where any man is concluded by his own act or acceptance to say the truth."

This estoppel is divided into three sorts. I quote again from Coke.

First—By matter of record.

Second—By matter in writing, or rather deed, as it has been interpreted in pages 430—31 of Smith's leading cases, and other authorities.

Is this an estoppel by matter in pais? What is the meaning of this kind of an estoppel? It is where a person is at liberty to deny the consequences of his own act, though it would be a fraud on the party who trusted that act.

This cannot be then this kind of an estoppel. Is this an estoppel by matter in deed? This is in writing an instrument under the seal of the parties who claim the estoppel.

If it be an estoppel at all, therefore it is by record.—Of the three, if any, it must be the first.

I shall now proceed to contend,

First—That there is no record, hence there can be no estoppel.

Second—That no order was made, no judgment given, according to the papers on record—only the opinion of the Judge;—that before any opinion was given by the Judge, this writ by a person having authority was dismissed, hence there was nothing before the Court on which to found a judgment, and all the other proceedings were utterly void in respect to these parties.

Third—That these negroes did not appear by themselves nor by attorney, except for the purpose of dismissing the writ;—that they are not thereby concluded by the act of admission of any other person not authorized, and that they did not authorize the admissions of another attorney, so acting for them, they are permitted to show by parole.

Fourth—That the opinion of Judge Daly, or if it were an order, the order of Judge Daly, to operate as an estoppel, must have been made upon a state of facts exactly similar to those presented by this return and answer, and that it cannot be regarded as an estoppel, because the facts presented by this return and answer are different from those presented in the other.

I stated another point, viz: that estoppels are not favoured by law, and he who sets them up must make out a conclusive case, and leave nothing for inference or misconstruction.

I will quote two authorities on this point—Coke's Littleton, page 352, and Judge Bronson's positions, 25th Wendell, pages 81 and 82.

These authorities are only cited to prove my position, that estoppels are not favoured—that when a party presents any record by way of argument, it will not be sufficient, if anything is left for argument or inference;—the record itself must show, or the evidence to sustain the record must show the precise point in controversy, or the facts.

In the case of Mercein vs. the People, my position is also sustained. The opinion there was reversed on that particular ground; it does not alter the other opinion at all; it passes on two points of the case, and does not affect this one.

We cannot go a single step beyond the judgment, nothing must be inferred; it must appear from the order what the record and judgment below was in that case.

If you look into the opinion of Judge Daly in this case, you merely see the views his Honour entertained on the subject. Now, then, to estop is the result not of an opinion but of an adjudication.

In the opinion of the Judge, an order should have been made. I answer no, and why, because arguing from the papers presented to your Honour, I find no record, no judgment, therefore I think I have sustained the position, that there is no record in this case.

Only the judgment, order, or decree consummates the record, so that it may be used as an estoppel. If we say the opinion of the Judge is to affect the estoppel, it is to assert that the conclusions of his mind are to estop us, not his final action as a Judge. It is the judicial act that estops not the reasons for it. We have the reasons for the act, but the act has never been performed. Until the act, therefore, be performed, it cannot be on record, until the record is complete it cannot be an estoppel.

Suppose an order had been given—the opinion comes up, "they ought to be remanded." But these papers do not show it, and the Counsel has waived all right of introducing evidence, placing himself solely on the return—this record, and the answer to this return. He cannot prove it, he has confined himself to the return.—Now, it is idle to say that there is an order in this case elsewhere, because estoppels are not favoured, must take it as it is—and taking it as it is, presents an opinion without a judgment.

Even concede that this was an order, before it was made, or opinion rendered, these negroes appeared, by their counsel, and demanded a writ of habeas corpus.—Now, I put this question to your Honour,—Is it not within the power of a party to a suit standing in the light of a plaintiff in said suit, independent of the rule of the Supreme Court, to dismiss his action at any time before final judgment? I shall not quote authorities on this point; I do not think it necessary.

Let us now look at the second general position I have assumed:

Were these negroes parties to the suit at the time it commenced? If they were not, then it is idle to urge an estoppel. If they were parties, then, by the concession made, at any time before final judgment on their case, they had the right to dismiss the proceedings. What do we have, then? We have the answer to this return stating that these parties appeared by their attorney, and dismissed the writ, and all proceedings under it. The dismissal being made prior to the delivery of the opinion, no opinion or judgment having been given. Now if they were parties,—and the counsel opposed, will not, I trust, contest they were not,—they had the right to dismiss, and they did dismiss, having that right. Having dismissed the writ and all proceedings under it, before any judgment was given, I ask if all proceedings were dismissed, was there anything before his Honour, Judge Daly, on which he could give an opinion, enter a judgment, or make an order? If he could, then the proceedings were not dismissed, and if anything was before him, and he acted upon it as a thing of pastime, wherein to display his legal vanity, then I must say it was truly a harmless exhibition of vanity, on the part of the Judge, but I protest against the counsel's using it for an estoppel. If anything, therefore, the decision was a work of supererogation, wholly and judicially, utterly void. Now if these proceedings were void, can there be an estoppel claimed?

Colman, in his Digest on Estoppels, says: "A record does not operate by way of estoppel where the record is *coram non judice*."

And now for the third position laid down as a part of the present argument:

That these negroes did not appear by themselves nor by attorney, except for the purpose of dismissing the writ, which writ they did dismiss; that they did not appear but by attorney they are at liberty to show by parole.

That the record is not conclusive on this point I shall shew by authorities. It cannot be contended that these negroes appeared in person in court, because the record states that they appeared by attorney. They appeared by Mr. Jay, in virtue of a power of attorney, and they never employed any other attorney to appear for them. If, therefore, any other person has appeared for them, and made admissions upon which the Court has subsequently acted—they may disprove those admissions—and the record is not conclusive as to the facts.

In 6th Wendell, pages, 447, 453, opinions on Courts, we find the following proposition set forth, viz: A judgment rendered in a sister State, in legal contemplation, is placed on the same ground as to its conclusiveness and validity, as a judgment in this State. A judgment in Ohio is as conclusive as one here. So with the present case. Up to 1842 in England, which is as far as I have been able to trace the matter, it has never been held that a party was not at liberty to impeach a record which showed he appeared by attorney, when in truth the record was false, and he did not appear. Judgments have there been given, that a party has a right to impeach a record, in case he has not been represented by attorney, or in case that record admits more than is acceded to by said party.

As I have said before a judgment rendered in this State is as obligatory as if rendered in Ohio. This is an important question; there never has been any adjudication on this subject and we are to settle it upon wellsettled principles and necessary analogies. It may be said that it is a foreign judgment. Our Supreme Court have replied that a judgment is of the same force in Ohio at here. What says the Federative Constitution on the subject—It does not say that these judgments are quasi foreign quasi domestic, but that "full faith and credit shall be given by each of the States to the acts, arguments, and judicial judgments of the several States."

There is to be no partial faith, says the Constitution, but full faith, ample faith. If you give less than full faith or full credit, you abate from the strength of the Constitution and the particular arguments. From this declaration we must infer that the judgments of our city courts, and of those in this State are of the same validity, and stand on the same common ground that similar courts do in sister States. As before mentioned, I have said that a party may show that he did not appear by attorney.—And if he did not, what then? Why you have a judgment rendered against the party when he did not appear.—Now, if you can prove that the record is untrue, that it stands as a record against a party who never appeared by attorney, the Court have no jurisdiction in the premises, and the whole proceeding is coram non judice.

This is the broad principle, no matter what the record viz: that the party affected may deny the truth of the record, and substantiate that denial by proof—if he does this, the whole matter is coram non judice. Let us apply this principle to Judge Daly. What says the record the counsel produces? Why, that these negroes were represented; and this was the burden of the counsel's song yesterday. The record must point this out, and what does it say? "That these parties appeared by attorney." Now I say that this record is false in asserting that these negroes appeared there by attorney. These negroes being brought there, without comprehending their situation, employed an attorney to do—what he pleased. What does he do? He goes to Judge Daly's Court, and dismisses the suit. Was that representing these men? And Mr. Hopper, who also appeared, was the attorney who made the admissions, and yet he never was authorized to appear for them. Was this representing their interests, and I ask if the attorney, Mr. H. can make any admissions that will really bind these men? They are admitted, says the Judge, to be seamen, by attorney, and upon that I will remand them. Had Mr. H. the authority to make any such admission? No.

Mr. W. here cited from 13 Wendall, pages 415, 416, to prove that if a party in a suit did not appear by himself or by attorney (notwithstanding the record might say so) the Court had no jurisdiction over his person and the judgment was void. That is, First, unless the Court have jurisdiction of the party the judgment is annulled. Second, although the judgment may prove that the party appeared by attorney, yet he may controvert that, and show he did not appear by attorney; consequently the Court would have no jurisdiction of the party, and the judgment is void.

Apply these principles to Judge Daly. Did these parties appear? What shows it? Does the decision on the record? What does it show? Why first that Mr. Hopper appeared, and made these admissions. Second—That Mr. Jay appeared and dismissed the proceedings, and that the attorney who made these admissions acted without authority from the negroes. This record, therefore, as I have already proven, may be impeached, and there is no necessity for further argument here.

I do not wish to be understood to say here that Mr. Hopper acted in an improper manner. The attorney of these negroes was not in court. By some of their friends Mr. H. was requested to appear there, and get an adjournment. Judge Daly refused to grant it, as he wished to leave town. What was the liberty of two slaves, in comparison with the pleasure to be enjoyed by a Judge, either at Saratoga or Newport? A Judge who was anxious to chase down pleasure in a rural retreat, would have those men tried nolens volens. And Mr. H. was forced to act; and I believe I should have done the same thing had I been there. Overwhelmed by a pressing necessity, Mr. H. admitted the record was true. He admitted they were seamen. But the whole of his admission must be taken, and then what does it amount to? Why, simply, that they were *slave seamen*. Did this alter their rights to be discharged? Mr. Hopper might have quoted the Civil law that holds seamen as such only as the result of a contract between the master and the seamen, and from another law he could have proven that a slave could not legally make any contract. So that it appears that Mr. Hopper, understanding himself, made the admission, knowing it to be immaterial, and that Judge Daly, not understanding himself, based upon it a decision which it could not maintain. What do we learn from these facts. Why we have simply the Captain's assertion that they did appear there by attorney. We have on the contrary the assertion of these negroes that they did not appear there. And we have the affidavit of Mr. Hopper that he did not appear in Court by virtue of authority from them, and that he had no communication with them at all on the subject.

We are now brought to the examination of my fourth point, viz: that the opinion of Judge Daly to operate as an estoppel, must have been made on a state of facts similar to those presented in this return.

In 3d Hill, page 240, we find the following principle established:

If any new circumstances have occurred, or if new materials have been discovered, and others been accruing, the question of estoppel is opened up, or "*at large*" again.

This principle being settled, let us look at the sworn answer of the return, and see if some new discovery, that will settle the estoppel, is not opened up?

Judge Daly gives an opinion, these men being seamen, are to go back. Let us treat them as he did—as seamen. If they were seamen, they owed service to the Captain, or they did not owe it at all—this is my first position. The answer to this must be—that they were slaves by virtue of the law of Brazil, therefore the masters of those slaves have a right to make a contract for them. My reply is, that our Courts will not judicially take cognizance of any law, in any country, other than the common or civil law here—all other law must be proven as facts. If there is an express municipal regulation in Brazil, by which the master is empowered to make a contract, that law must be proven as a specific fact in our Courts, in order to induce them to take judicial notice of it. We, of course, execute the laws of Brazil on the principle of international comity, embracing all such as do not conflict with the established polity of New-York, with the morality of the State, or the rights of individuals. And our Courts will not recognize Slavery in any form, except as it exists under the compulsion of the Federal Constitution, in connection with some of the Southern States. We are to assume, then, that the common law in this State prevails in Brazil. And according to that law, no slave can make a contract. See fifth Cowen, page 397. 10th Wendell, Holmes against Bush, &c. Then, by the common law, these slaves cannot make a contract. If seamen, they are such by result of a contract; they owe service because they have agreed to, or not at all. They must owe it by agreement or by force. The relation of seaman and master, grows originally out of a contract. If it grows out of it, the slave must have made one with the master. Did these negroes do this? It is admitted in the answer to the return that they are slaves—now slaves cannot make a contract—therefore no such relation as master and seamen exists between these parties.

Is it contended that by the laws of Brazil, the master may ship these men as seamen? Well, now, if a Brazilian Captain comes in to ask us to settle a contract of this kind, made in Brazil, what have we to say? Why, that there is no such thing as Slavery here, and that any contract recognizing the existence of Slavery, is void in the State of New-York. But admit that these men are seamen. To what extent may the authority of the master go over these seamen?

He may punish for disobedience of orders, or he may confine them for attempting to desert. That is all. But did these slaves seek to escape? No. Did they threaten to desert or act disobediently. No such accusation is made. John Inverness procured the writ directing for their transfer from ship-board, and the Captain, in obedience to this command, brought them away; the negroes, therefore, had no agency in their removal to the Eldridge street jail. They remained passive agents; the Captain brought them on shore, utter strangers to these proceedings. There has been no pretence made of their attempting to desert.—Yet, when remanded back to the Captain, after the proceedings, of which they knew nothing, the Consul General of Brazil requests the Captain to imprison these men, and put irons on them. In obedience to this benevolent suggestion, they were chained together, without having evinced or threatened disobedience or desertion, thrust into a forward store room, and locked up. And what is this writ of habeas corpus for? It was taken out to relieve these men from their imprisonment. It was the extremity of the slave that induced this new application for a writ of habeas corpus.

I will lay down a further principle—that the relationship between master and seaman, as a contract, has annexed to it by law, certain rules for their guidance, and if the master violates the contract between himself and the seamen, it is at once ended if the seamen choose to end it, and they may terminate the contract. I could, if necessary, refer your Honour to a list of authorities on this subject.

So with this case. If these men were seamen, and contracted to come from the port of Rio Janerio and return, they would be subject to the incidents in the authority of the master already mentioned—but if a new incident is produced, and the Captain imprisons them, he violates the condition of the contract in the supposed case of an implied one, and these parties are at liberty to treat it as at an end. Concede that Judge Daly had the authority to remand these men as seamen, the imprisonment of these men by the Captain was in violation of every obligation human and divine. And by thus violating the terms of the contract, whether written or verbal, the Captain put an end to it then, and they are seamen no longer.

The imprisonment causes the formation of new circumstances in this case. Suppose the master did not determine this contract by the exercise of his authority. Has the master of a vessel, by virtue of any general legislative authority, in the exercise of his own discretion, without disobedience to orders, or violation of rules—a right of his own free will, to manacle two men, and shut them up in a close room? Does the decision of Judge Daly, that they were seamen, authorize the Captain to treat them as slaves?—there is nothing in the contract or in the incidents of the law, to sanction such a procedure.

Again, we find from this return, that the Captain threatened when he got them out of this port, to flog them until they were fit for nothing but to throw overboard, and that they should never see Rio again. Affectionate determination! When he gets beyond the reach of writs issued by the Judges of New-York, he will score on the backs of these two negroes a lasting record of his philanthropy!

This is in the record, uncontroverted. Here is the declaration of this most philanthropic man. First, of the brutal chastisement. Second, perhaps of the death itself of these men. And now believing there is full power in this Court to prevent wrong, we ask, after a calm review of these facts, that these negroes be liberated, or else that the sworn answer in this return be proved untrue, and the ultimate designs of the Captain respecting the treatment of these men be clearly explained. If we had commenced where Judge Daly ended, and made no allusion to the imprisonment, we would still be entitled to the writ of habeas corpus, and to be heard on it.

Mr. White having concluded his own powerful argument, next entered into a cursory review of some of the positions taken by the opposing counsel, Mr. Purroy, in his opening speech. The first position was that wherein Mr. P. affirmed that the ordinary rules of pleading applied to this case. This affirmation Mr. W. denied, contending that it was a summary proceeding, and as such should be immediately disposed of. He quoted from the 2d Revised Statutes, page 471, section 50, to prove that the ordinary rules of pleading did not apply in this case. Mr. W. then passed to a consideration of the main argument of his opponent—as to the adaptedness of the principle of *res adjudicata* to this case.

The record, continued Mr. W. shows that the parties appeared before Judge Daly, and that they appeared there by attorney, but not by themselves, according to the legal understanding of that term. If bodily present, because the writ obliged the Captain to produce them, but not in law. It was an appearance from compulsion.—Suppose that the negroes appeared; then the return which Mr. Hopper made, and his admission for them, is untrue. Mr. H. appeared not for them by authority, therefore, the record is as false as it was unwise. In the case of Mercein vs. People, it was held that the principle of *res adjudicata* applied to a writ of habeas corpus. So far as my argument is concerned, it is utterly immaterial whether the question of *res adjudicata* applies to it or not. I shall not stop to contrast counsel's positions, but will say, in conclusion, that the principle of *res adjudicata* never was made to apply, without violation of principle, or fraud on parties, to a case where the parties did not themselves appear, either by themselves, or by attorney. The case of Mercein was one thing, this another. In that case, the record was admitted to be true, this record we deny, therefore, there is no similarity between them.

Towards the conclusion of my opponent's remarks, yesterday, your Honour was asked to give to the counsel leave, if you decided it was not a case of res adjudicata, to take proof to show that these parties did appear there. There must be some regularity in these proceedings, although no formal record. What do we find? The counsel sets forth certain facts as res adjudicata. We put in our sworn answer. This is to make an issue that witnesses may be examined. But no, the counsel waives testimony, and relies upon the record. We admit it is as it is, but then it is no record at that; it is insufficient; we have a right of impeachment. If the counsel wishes to introduce proof, he must make a new application.

In conclusion, I would say, that I have brought to bear upon the case, no feeling in common with the feelings of those who have been instrumental in getting up this writ. I participate, I may say, in none of their sympathies—hence I have brought in all a lawyer should bring—law without feeling. It is true, I have brought in the feelings which should animate the heart of every honourable member of this profession—feelings of horror and hatred towards acts of wrong and oppression, especially when countenanced by a judicial tribunal, and when I have seen, but lately too, countenance given by high judicial officers in our State, and of this city, to tyranny and cruel brutality, I have experienced feelings of loathing and disgust towards such, as, I trust, never to feel again.

Communications.

Friends' Yearly Meeting.

FRIEND S. H. GAY:—Having been much on the move since the Philadelphia and New-York Yearly Meetings, I know not what may have been published in the Standard respecting those meetings, or the Society of Friends, in relation to the bearing of the former and the position of the latter upon the subject of Slavery, and the duty of such a body of people with reference to it. I propose, therefore, to offer a few facts and remarks on these subjects, which, if not preceded by some other, thou art at liberty to insert. I offer these because it is due to the Society as a whole, due to the advocates of emancipation, due to the oppressor and the oppressed, and due to the world, to have a knowledge of all facts affecting "our cause;" and especially is it due to the members of society, (for their encouragement,) who honestly endeavour to exert what little influence in our cause the popular slave god, which too many of us worship, has left them. The opposition, however, to all action of our members, *in* society or *out* of it, which those who bow the knee to Baal ever get up, will not lessen the influence of the faithful advocates of liberty beyond the narrow precincts of our own society, nor deprive them of their reward; for "They that turn many to righteousness, shall shine as the stars, forever and ever." But it is not to be *denied* that we have those among us, especially in the populous and mercantile cities of the North, who worship, (whether they know it or not,) at the shrine of the Idol God of this guilty nation; and lend their influence to strengthen the arm of oppression. And some of these will never extricate themselves from the thraldom of this kind of idolatry until they renounce their allegiance to another popular, alluring, and powerful idol. For the strong man *avarice* must be cast out before his goods, the love of money, and conniving at the enormities of Slavery, (because he brings them great gain) and be spoiled: and the house of pro-slavery influence be broken up.—That such goods should be spoiled, and such houses broken up, in every society professing the religion of Jesus Christ, there can be no doubt. And that every society occupying such a position, and having within it such influences, needs more of the spirit of reform, no argument will be required to prove. Now, I know of no other instrumentality by which any society can be reformed, but by the influence of some of its own members. Neither can the influence of members have a reformatory effect, unless they are true to their own convictions, and faithful in saying and doing what they may be required through those convictions to say and to do. I would, therefore, encourage all concerned, to speak and act on all occasions, with reference to their duty to God, and their accountability for the occupancy of their varied talents to him who gave them, remembering at the same time never to close the door against the enjoyment and exercise of the like freedom in others, even though their convictions lead them in paths too straight for us; not villifying those even whom we regard as walking in the broad way—"That ye may be children of him who causeth his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust."

In the Philadelphia Yearly Meeting, the subject of Slavery, and our relation to it, was divers times entertained for discussion, in one instance occupying a whole sitting; but after all no further action was taken than to read an address from the Ohio Yearly Meeting, to the members of the society, and that was near being put by without being read, although a committee was once about to be appointed, but was omitted on account of the opposition of the conservatives and the fearful. In the New-York Yearly Meeting the same address was read without the inspection of a committee like that to which it was subject in Philadelphia. Although at the former place a proposition to print, and transmit copies of it to subordinate meetings, was hurled out of the meeting without discussion, on the ground that it was made by a member who was said to be unsound in the faith, while the unsoundness or heresy alluded to, was unknown to the meeting, as such, and possibly existed *only* in the apprehension of the individual who announced it to the meeting, and perhaps in the opinion of some others; but the sequel showed that but few were present to move or even *speak* out on the subject; for a proposition was made by another member, and on another day, for the appointment of a committee to have the subject of Slavery and our relation to it, under consideration for one year; to labour in society only, and report whether in their judgment, we, as a body of Christian professors, had not a duty to perform in more fully carrying out our testimony against such a crying sin. To this but very few spoke at all, and a majority of those who did speak, spoke against it. It was nevertheless evident from some remarks there made, and from other developments, that many felt deeply on the subject, but felt their path was so hedged up by the spirit of opposition and proscription of those who ventured an expression of more liberal views, in favour of action, that no use in speaking could be realized, and there was no liberty felt to do so. Let such everywhere be encouraged, let them not give out by the way, or suffer their "hands to hang down." "Truth is mighty and will prevail." It has already prevailed over the love of ease, the power of self, the lust of honour among men, the love of the world and of sect within the bosoms of many; and has made them fearless advocates of the blessed principles of peace, and liberty, temperance, mercy, and purity. And cannot those, who in themselves know this to have been the effect of submitting to the power of truth, have confidence in its ultimate predominance over error, cruelty, and oppression. Let such, let *all* who put their hand to the plough of reform, give not back, but looking to Jesus as an example, they may, by a faithful dedication to every manifestation of duty, be prepared to receive the cheering language—"Come ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world." Thus shall they glorify God, and promote the happiness of man.

Notwithstanding all the opposition we meet with, there is encouragement in the fact, that liberal views and Christian feelings are gaining ground among the members of our society in most of the yearly meetings on this continent, especially Philadelphia and Ohio, insomuch that the voice of opposition to reform is feeble and faltering, and those who utter it do it with less bitterness than they once did.

SAMUEL KEESE.

7th mo. 1847.

The Anti-Slavery Standard.

NEW-YORK, THURSDAY, AUGUST 12, 1847.

Report of the Executive Committee of the Eastern Pennsylvania Anti-Slavery Society.

Again the closing of a year of Anti-Slavery labour calls us to review the past, and deliberate for the future.—Like those which went before it, the year just gone has left us if not at the very entrance of our field of effort, still with the wide prospect spreading out before us, beset with trials to be endured, and opposition to be overcome, as step by step we win our toilsome way to ultimate success. It has departed, leaving three millions of our enslaved countrymen still in bitter bondage, and has borne to heaven their loud, accusing cry against this guilty nation. It has gone to bear witness that our country is deep in sin, and dark with crime, perpetrating each hour some new enormity; seeking to lengthen the cords, and strengthen the stakes of her oppressive system, and tracking her path with blood and fire to the conquest of new dominions for her sway. It has gone to testify that Slavery is in close alliance still with Church and State, defended by pulpits, and religious presses, and professors of theology, admitted to the sacramental board, ordained to the so-called Gospel ministry, crowned with the Bishop's mitre, represented in every grade of ecclesiastical organization, and admitted to the full fellowship of almost every religious sect throughout the land, as well as guarded by Constitutions, upheld by statutes, sanctioned by judicial precedents, and protected by the pledged physical force of the whole nation.

But these, and such as these, are not the only tales the past year has to tell. Discouraging as many of its revelations may at first glance seem, it has by no means been unfruitful in hope-inspiring events, betokening the progress of the righteous cause, and foreshadowing its certain if not speedy victory.

It is true that our nation still perseveres in its wickedness against Mexico, waged to extend the domain, and increase the power of Slavery; that cities taken, and battles won, and wide regions subjugated to military rule, have marked with almost uninterrupted though dearly bought success, the progress of its arms; and that the dismemberment or complete conquest of the Mexican Republic, and the annexation of a large part, if not the whole, of its territory to this country seem likely now to be the issue of the contest. It is true that the proposition well known as the Wilmot Proviso—to forbid the introduction of Slavery into any part of the territory which may be wrested from Mexico, has been defeated in Congress, by the united and strenuous opposition of the slaveholding South, with the help, as usual, of its cheaply-purchased or easily-intimidated Northern mercenaries and vassals. It is true that the evidently settled purpose of the slaveholders, and of the national administration, which is in this affair their willing agent, is therefore not unlikely to be accomplished in the spread of "our peculiar institution," with all its blighting influences, from the Rio Grande to the Western Ocean; that those vast regions which our robber strength will have acquired, will be converted into markets for the sale of human chattels from our Democratic States; fields on which human beasts of burden may be driven with the lash to their wasting, unrequited toil.

But it is also true that these strides of Slavery towards supreme dominion, from sea to sea, have awakened in some degree the spirit of freedom in the North, have alarmed the fears of some, enkindled the indignation, or aroused the pride, or stirred up the manliness of others; and have created a discussion more general, and sent forth an agitation more extensive, deep, and powerful, that the country has ever known before, since that disastrous triumph of the slave power in the Missouri controversy, which seemed to have smitten Anti-Slavery with the palsy of despair, if not the stroke of death. The enmity of Slavery to the rights of all, free as well as slave, is now so glaringly made manifest, that the enlargement of its power is seen to be fatal to the independence of the North; and many, even of those who have not yet learned how dangerous is its mere existence, or perceived that the only safety of their rights is in its utter overthrow; and who, therefore, with *impolitic* forbearance, consent to its remaining within its old abodes, *can* see, at least, the need of checking its farther growth, and are banding together to oppose its spreading over new domains. This, at all events, is something gained, and we are sure that if they persevere with manly strength and resolution in their attempt, though but to *curb* the evil which they yet allow to live, the result will ere long convince them of the truth which Abolitionists long ago discovered and proclaimed, that Liberty and Slavery cannot dwell together in the same land, or unite in the same Government. Indeed, this lesson has already been more widely learned than a few years ago any of us ventured to hope. The doctrine of "No Union with Slaveholders," which, when first announced as an article of our Anti-Slavery creed, was vehemently denounced on every side, as treasonable and pernicious, absurd and wicked, finds favour now with many who once opposed it, and tolerance, and, in general, at least a patient hearing from those who were most bitter in condemning it. Once so odious that a mere proposal to consider it in public would call out threats of lawless violence, it is now one of the chief topics of discourse in all our Anti-Slavery gatherings, the theme of lecturers before large and promiscuous assemblies, the subject of discussion in the columns not only of the Anti-Slavery press, but of the common political papers of the day, with some of which it has found favour; it is defended with argument and eloquence, and promulgated with zeal, and energy, and perseverance, and yet its advocates not only pass on unmolested, but are often greeted with loud applause, and cheered by fresh accessions to their ranks. Nay, the very eagerness which the South displays, to spread her system over other lands, and bring new slave States into the Confederacy, is, doubtless, partly owing to her fear of this increasing disposition at the North to refuse allegiance to her sway, and to break from union with her legalized iniquity. In this view of it, the very circumstances of seeming discouragement which surrounds us, may be taken for signs of the progress of our cause, the power of its principles, and the probability of its success.

The revelations which the past year has made, of the effect of our labours in this State, are also full of promise and encouragement. At our last annual meeting, it will be remembered, a resolution was adopted, recommending the extensive circulation, and general signing of petitions, particularly for the abolition of such relics of Slavery as still disgraced the statute-book of Pennsylvania. The assurance was then given, that an earnest and united effort in this direction, would secure the desired result. The event has justified that assurance.—Through the influence, partly of the petitions we sent out, and partly of efforts made by others, not connected with our organization, though in this case working with us for a common object, but chiefly, we doubt not, of the long course of patient labour on the part of Abolitionists, in sowing the seeds of Anti-Slavery truth, which, by slow, yet sure degrees, have germinated and spread their growth around, an act which gives us all we asked, or the Legislature alone could give, was passed unanimously by both houses, received the signature of the Governor, and is now a law of this Commonwealth. Though it has been widely published in the papers of the day, and you are doubtless acquainted with its provisions, yet for the purpose of putting them on record for future reference, we transcribe them here.

This result we hail with joy, not only on its own account, or for the good it is intended directly to accomplish, not only for the credit it reflects upon the Legisla-

ture or the people of our State, but still more because we see in it a triumph of the truth, won by its own intrinsic might, and showing that it can achieve yet farther triumphs, till the victory is complete, and, before its resistless onset, Slavery has fallen to rise no more; because it goes to prove the soundness of that philosophy of reform, and the wisdom and efficiency of that course of measures which have been adopted and pursued by our society and those with whom it acts; because, in one word, it is far more abundantly a promise of good in the future, than a bestowal of good in the present. A few years ago, petitions for such an object would have been treated with silent contempt, or met with loud spoken opposition by the great majority of our legislators, and hardly a member of either House would have been found bold enough to advocate the granting of their request. Their presentation, with an humble suggestion of the sacredness of the right of petition, is an apology for the showing of so much favour to them, and a disclaimer at the same time, of all approval of their purpose, and all sympathy with the spirit which prompted them, would then have been the utmost which could be looked for, from the most liberal and fearless of this *free* State's *free* legislators. Not by political organization, or the skilful working of party machinery, has the change been wrought. The telling of the truth, or, in Scripture phrase, "the foolishness of preaching;" preaching in the domestic and the social circle, in the public assembly, through the columns of the press, on the page of friendly correspondence, and in whatever way truth can be uttered to the consciences, and hearts of men; this has been the means which God has blessed to the attainment of the results in which we now rejoice.

The partially successful attempt at kidnapping, which was lately made at Carlisle, seems also worthy of a passing notice. In that case, if we have been rightly informed concerning it, not only lawyers, constables, and unofficial citizens were concerned, but even a Judge, acting in his judicial capacity, either knowingly disregarding the law, or strangely, grossly, and most inexcusably ignorant of its provisions, aided—contrary to its express terms—in enslaving a man, and in an attempt to enslave a woman and a child, who had happily escaped from the injustice and oppression of the Maryland slave code. Contrary, too, to the plain language of the law, the court house was used for some time as a prison, wherein to confine the alleged slaves, till their claimants could procure a conveyance in which to take them away to Slavery. What the people of the Commonwealth will say to this practical contempt of their authority, or what will be done in the premises by those who have been set in high stations to see that the republic receives no detriment, and that its laws are promptly obeyed or faithfully enforced, the future must determine. Suffice it for us to say that a more glaring and high-handed outrage upon the rights of the weak and the majesty of the law, by those who should have upheld the one and asserted the other, it has never been our lot to witness. It is a source of satisfaction, however, to learn, as we do, that in this case likewise, as in the other, a strong feeling has been awakened against the enslavers and in favour of the injured party; and that much good to the cause of freedom seems likely to result from the excitement which it has enkindled.

The adoption of strong resolutions by the Pennsylvania Legislature, in favour of the "Wilmot proviso," and against the extension of Slavery over any territory which the country may acquire hereafter, is another token of progress; another cheering sign of the "good time coming." This, taken in connection with other indications of the growing anti-slavery feeling of the North, gives us some hope that the schemes of the slaveholders, to spread their institution over Mexico may yet be defeated. Another favorable sign appears in the state of feeling shown in Philadelphia, on the late occasion of the arrest of Isaac Brown, under the false pretext that he was a ugitive from justice, but really with a design to give him over to the kidnapper, that he might be dragged back to t hat bondage whence he had escaped, as he had a perfect right to do. The indignation so widely manifested at this prostitution of the forms of law to purposes of the vilest injustice, should teach the authorities and people of Maryland, and the whole South, that the growing anti-slavery sentiment of the North will not long submit to be trifled with, nor easily be imposed upon; while the readiness of a Maryland grand jury and the Governor of the State, to engage in this base and wicked conspiracy, will give the North an instructive lesson in the demoralizing effect of Slavery, and show her how little faith can be s afely put in the representations of slaveholders, even those in the highest stations and of the most respectable name, whenever the interests of Slavery are in question. It is to be hoped, too, that certain dignitaries on our own side of the line, will profit by the admonition they have received in the progress of this affair, and henceforward be less ready than in the present instance, to lend themselves and their official authority to the schemes of men who, under colour of law are seeking to violate all law, human and divine. We will only add, in allusion to this case, that general satisfaction felt and shown at the discomfiture of the kidnappers and the escape of their victim, is alike creditable to the people of Pennsylvania, and encouraging to the active enemies of Slavery.

While these events have been working for us, we have not been idly looking on, watching "the signs of the times," and indolently waiting for "God in his own good time," to do the work which he has assigned to his human instruments, and by his Providence and his revealed will has summoned us to perform. If we have done but little, compared with the vast amount which yet remains undone, still we have not been altogether heedless of our duty. We have employed, this year, the same means as in former years,—the living agent, the periodical press, the depository, the circulation of free tracts, and such incidental aids to these as from time to time have been at our command. Two agents, C. C. and C. M. Burleigh, have been in the field the greater part of the year, and a third, James Ramage, for a short period. They have traversed much ground which had been before unvisited, or nearly so, by Anti-Slavery labourers, besides going over much which had already been partially cultivated. The Pennsylvania Freeman has been, as heretofore, our periodical organ, and has continued to do effectual service to the cause. It has been considerably enlarged and improved, and thereby its usefulness has been increased, while in order to insure its wide circulation its price has not been enhanced. Its subscription list has been enlarged, but not so much as, for the good of the cause and its own increased value, it ought to be. It now numbers about seventeen hundred subscribers. We are also responsible to the American Society for six hundred copies of the Standard—which are subscribed for, and distributed within the bounds of this society—besides which we have circulated a considerable quantity of gratuitous tracts, though in this department our labours have been less extensive than in the year before, on account of the insufficiency of our funds. The depository is still in a flourishing condition, and with its reading room, is a valuable auxiliary to our other modes of operation. The number of stores for the sale of goods produced by free labour, is increasing in various parts of the country, giving token of a growing attention to this mode of bearing a testimony against Slavery, and putting into practice the doctrine of "No Union with Slaveholders."

Before closing our report, it may not be amiss to allude to an act of partial or tardy justice—if indeed its incompleteness does not render it unworthy of that name—which has, this year, been done to those who suffered loss by the destruction of Pennsylvania Hall. Though nine years and more have passed, as it is well known, since that beautiful temple of Freedom was laid in ashes by a furious mob, with the virtual connivance of the city authorities, because within its walls were in some degree exemplified the self-evident truths of the Declaration of Independence, and the Christian doctrine of human brotherhood, yet till within a few months no part of the satisfaction explicitly required by a law of this State has been rendered to the injured parties for the outrage on their rights. At length, however, an award has been made, which, by partly reqbiting them for their loss, admits their right to the *full* requital which they claimed, and which it fails to grant. But that so much has been done, is cause, perhaps, of gratulation, under all the circumstances. It shows at least a large abatement of the prejudice, once so bitter and so strong against those claimants and the cause with which they were identified in the public mind, and affords some room to hope that a returning sense of justice may in time complete the work of reparation now begun.

With this brief glance at its events and revelations, its deeds and its experiences, we turn from the past year to contemplate for a moment the future and its tasks. We have made some advance upon the empire of darkness and oppression, and have won some triumphs upon its frontier; enough at least to prove the temper and the edge of the weapons of our warfare, and convince us that with faith and courage, and a resolute perseverance, a conquest as complete as it is desirable will be achieved. But its achievement is still to come. By the woes of the crushed victims of the tyrant's power; by the claims of our common manhood, which entitle them to our sympathy and aid; by the spirit of that religion of love and active goodness which we profess; by the example of him who through a life of toil and a death of agony, gave himself wholly to the great work of a world's redemption by the filial reverence which is due to the common Father and God of the bondman and the free; by all which is precious in liberty and sacred in truth, and authoritative in right, and all, prevailing in love, let us provoke one another to earnest effort, and strengthen each other to steadfast patience and untiring perseverance in the noble enterprise of overturning the usurping despot's throne, and giving liberty to his long enslaved and degraded captives.

The Brazilian Slave Case—Escape of the Slaves.

On Thursday last, the decision of Judge Edwards, in this case, was given, by which the slaves were remanded to the custody of the Captain of the Lembranca. In his opinion Judge Edwards declared that the question presented to him under the new writ of *habeas corpus* was already *res adjudicata*, and that he was precluded from going into any investigation of the facts in the case; and that no new facts were set forth which authorized any interference on his part. The Judge relied as a precedent upon the Barry case, in which the Court of Errors decided that the principle of *res adjudicata* was applicable to a proceeding under *habeas corpus*. We regret that we have no room this week for the opinion in full. That of Judge Daly on the first writ will be found on the first page.

Immediately on the decision of Judge Edwards, Messrs. White and Jay asked that the Judge would order the Sheriff to hold the slaves till they had an opportunity of bringing the case before the Supreme Court, for final adjudication. This he declined to do, declaring that he had not the authority. A new writ of *habeas corpus* was therefore procured at once from Judge Oakley but a hearing could not be had till Monday morning.

The fear now was, that, as the slaves were legally in the custody of the Captain, they would be placed beyond the reach of any writ whatever. Efforts were made to procure a pledge from the Captain or his counsel that the Africans should be permitted to remain in the custody of the jailor, but without success. The Captain, however, was willing to *sell* them at a reduced price, and in consideration of the state of the market here, generously consented to take $300 each for them, affirming that they would be worth $500 each in Brazil. It was thought possible by some of the friends of the slaves, that the requisite sum might be raised. In the meanwhile the men were left in the Eldridge street Prison, in the custody of the jailor, though no pledge was given that they should remain there.

On Sunday night, however, they were safe in their cells when the keeper retired to rest. In the morning they were not to be found; though the keys of the keeper remained where he had put them the night before, on his table.

Their disappearance remains still a mystery to the public. The Captain and his party evidently know nothing about it, and are exceedingly angry at their escape. But their friends, on the other hand, have no anxiety as to their safety.

Such was the aspect of affairs when a hearing was to be had on Monday, on the new writ before Judge Oakley. It was postponed to Tuesday, when statements were made by the counsel for both parties, and various affidavits were read. Mr. Jay expressed his gratification at the escape of the slaves, and considered it perfectly justifiable, as they were held in jail simply on the order of the Captain, and not by any legal warrant; he declared, that so far as he was concerned, there was no private understanding between the parties as to the slaves being permitted to remain in the Eldridge street prison, but that on the contrary, Mr. Purroy refused to give such a pledge. He, however, further declared that the escape was entirely without his connivance. Mr. Purroy acknowledged that Mr. Jay was entirely exculpated, but endeavoured to show that there was an understanding between himself and Elias Smith, who has been active in this case, touching the continuance of the slaves in the Eldridge street prison, till it could be ascertained whether money enough could be raised to effect their purchase.—Mr. Smith was not present to make any statement in his own behalf. The Judge remarked that there had been a breach of faith somewhere, and intimated that the matter might come before the Grand Jury. Precisely what the Grand Jury can have to do with the matter we do not see. The most that can be made out of it is, that the men have deserted, and some one has helped them do so. The last, at least, is no crime. Whatever breach of faith there may have been between private parties, we know not. But that, we take it, whatever judgment the public may pass upon it, is not a question over which the Grand Jury have cognizance. Another week will probably bring us more light upon the subject, and whatever it may be, we promise it our readers in the next paper.

There is one fact connected with this case which may as well be mentioned now, before we forget it. A public statement may possibly prevent a recurrence of an interference, which, in the George Kirk case, nearly resulted in great mischief, and which, in any case, can have no good result. Although able counsel had this case in hand, and were doing everything in their power for the release of the slaves, an attempt was made, as in the case of George Kirk, and from the same quarter, to have issued another writ—that of *de homine replegiando*—which was abolished several years since! Such unwarrantable interference can do no good, and may sometime, as we have just said, do some harm, though none be meant; for it is, we take it, only a prurience on the part of the gentleman referred to, to be conspicuous in all slave cases. We are persuaded of this from the fact—we have on good authority—that this person used a good deal of exertion in the early stage of this case to have himself retained as counsel for the Captain!

Anniversary of the Eastern Pennsylvania Anti-Slavery Society.

We had the pleasure of attending the annual meeting of the Eastern Pennsylvania Anti-Slavery Society, at Norristown, on Wednesday, Thursday, and Friday, of last week, but must refrain, because of the crowded state of our columns, from attempting to give any detailed account of it. It was a large meeting, and one of very great interest, and unanimity, though not in these respects, probably, surpassing those that have preceded it. Our friends in that section of the country never have poor meetings. They are always numerously attended, and, of late years, are uniformly characterised by the zeal and enthusiasm of the persons composing the Anti-Slavery portion of the assembly, as well as by the quiet and respectful demeanour of those who are not Abolitionists. We think we have never seen elsewhere the same uniform and constant attendance upon annual meetings, by so large a number of persons, as in Pennsylvania.

Messrs. Garrison and Douglass were in attendance, the latter two days, and the former during the whole three days of the meeting. Evening meetings were also held at Norristown, and on Friday evening, a reception meeting was given to Douglass in Philadelphia, at which, it was, on all hands, acknowledged that he more than answered the almost extravagant expectations of the people.

The usual topics of discussion at our meetings received attention at Norristown. The use of slave-labour products, and the purchase of slaves, were briefly considered near the close of the last session, and there was some disappointment that so little time was given to them. A resolution on the latter subject was laid upon the table till the next meeting.

In another column will be found the annual report, a copy of which we were fortunate enough to get in season for this paper. The report of the meeting we shall give next week. We shall look in the Freeman for a report also of the speeches, as several amateur, but skilful reporters were appointed to attend to that duty, and shall lay that also before our readers. From them a far better notion of the character of the meeting may be had than we could give had we all the room we wanted.

Frederick Douglass.

We take great pleasure in announcing to our readers that Mr. Douglass is engaged as a regular contributor to the columns of the Standard. His first communication we shall give next week, in the form of a written address, delivered by him at the First of August meeting at Canandaigua; and thereafter we shall receive a letter from him for the paper as often as his other duties will permit. We shall probably have frequent accounts from him of the progress of the Western tour which he has just commenced, in company with Messrs. Garrison and Foster; and on his return, we hope for a series of letters, which shall give his recollections of his visit to Great Britain and Ireland.

We are sure that this announcement will be received with universal satisfaction. The great esteem in which Mr. Douglass is held as a man, and the great and peculiar interest which is everywhere felt for him, would alone cause these letters to be sought for with avidity. But in addition to all this, he is a writer of no common power, and on that account alone, if no other, would give increased value to any paper.

INCENDIARY PUBLICATIONS IN BALTIMORE.—John C. Pulley, a free coloured man, has been arrested, says the Baltimore Patriot of the 5th instant, "on the charge of receiving abolition papers, knowing them to be such, in violation of section 1st of the act of 1841, which provides that any free negro or mulatto who shall knowingly call for, receive, or demand from any Post-Office in this State, or have in his possession, any abolition handbill, pamphlet, newspaper, or pictorial representation of an inflammatory character, having a tendency to create discontent among or stir up to insurrection the people of this State, shall be deemed guilty of felony, and upon conviciton thereof, shall be senteneed to undergo a confinement in the Penitentiary of this State for a period of not less than ten nor more than twenty years."

The specific charge in this case was the receiving through the Post-Office the Ram's Horn. The accused was held to bail in the sum of $500 for his appearance at the next term of the Baltimore City Court. He can scarcely read, it is said, and the paper was sent him by a friend in this city.

REV. MR. FULLER.—It will be recollected that our Baltimore correspondent stated, a few weeks since, that the Rev. Richard Fuller is to deliver the Anniversary Address before the Society of Inquiry at Madison College. We learn from the Contributor, that forty members of the society have signed the following protest:

Whereas, the action of the Board of the Society for Inquiry in inviting Dr. Fuller to preach the Annual Sermon before the Society at its coming Anniversary, is necessarily calculated under existing circumstances, to give the impression to slaveholders and their apologists, that all the members of the society favorably regard the position which Dr. Fuller occupies; and whereas, the power of selecting the preacher for that occasion, is wholly vested by the Constitution in the Board, subject to no control by the Society; Therefore, we, the undersigned members of the Society, feel it to be our imperative duty, in this manner, to *protest against* said action, as not only *extremely injudicious*, but, *decidedly wrong*, and having our *unqualified disapprobation*.

"THE ANSWER."—The article with this title, on our first page, from the Louisville Examiner, should not be passed over without a careful reading. No Abolitionist can read it without gratitude that there is at length established south of Mason and Dixon's line, a paper which fears rather to do injustice to the Anti-Slavery people than to the slaveholders, and seeks to show rather what the Anti-Slavery cause is, than what it is not; that, in short, is so imbued with the principles of this great reform, that it relies on its success on the great truths involved in it, and not upon any time-serving submission to the prejudices or the threats of a perverse and wicked generation.

VISIT OF C. C. BURLEIGH TO ENGLAND.—We are requested by Mr. Burleigh to correct the report which has gone abroad of his intention to visit Europe. The assertion of the Correspondent of the People's Journal, was entirely unauthorized and without foundation. Mr. Burleigh not only has no intention of crossing the Atlantic, but had not even thought of it.

ELIHU BURRITT declines the nomination of the Macedom Lock Convention.

MR. SUMNER'S LECTURE ON WHITE SLAVERY.—We learn from the Boston Whig, that Gerrit Smith has given the sum of fifty dollars for the purpose of printing Mr. Sumner's Lecture, that a copy may be put into the hands of every lawyer and minister in New England.—S. C. Phillips, of Salem, has added twenty-five dollars to the same fund.

OBITUARY.—Mrs. Chapman, the widow of the late Henry Chapman, died in Boston, on Sunday, of last week, at an advanced age. Her loss will be deeply felt by the small circle of friends by whom she has been surrounded, and to whose more public labours in all good causes, especially that of the slave, she has given her countenance and support. With the exception of one daughter, Mrs. Chapman survived all her immediate family.

WANTED.—No. 52. Vol. iv. and No. 48, volume vii. We are indebted to a kind friend for the other numbers advertised for last week, and hope we may be as fortunate in these also.

Later from Mexico.—Taking of the City.

A Telegraphic Dispatch brings intelligence of the capture of the city of Mexico, by General Scott, with a loss of three hundred men, and a much larger slaughter on the side of the Mexicans.

FOREIGN CORRESPONDENCE.

From our London Correspondent.

LONDON, July 4th, 1847.

MY DEAR SIR:—We have recently held our general meeting, which was convened at Finsbury Chapel and was very well attended. The chair was taken by Dr. Bowring M. P. and the following resolutions were passed:

1. That the report now read be adopted and circulated under the direction of the council.

2. That the subjection of any portion of the human race to degradation on account of a difference in colour, is unchristian and inhuman, and that the treatment of Frederick Douglass at the time of leaving the British shores deserves, and should receive the reprobation of every friend of freedom and humanity, and especially of every Englishman.

3. That whilst this meeting regards with satisfaction the efforts of kindred societies to diffuse a healthy Anti-Slavery sentiment, based upon an entire repudiation of the right of property in man; and views with pleasure the various indications of progress in France, America, and other countries, towards general emancipation, it deplores the fact that some Christian communities in this country should persevere in the maintenance of religious fellowship with notoriously pro-slavery churches in the United States, and hereby calls upon such communities for the sake of the slave, and for the honour of Christianity, immediately to dissolve such unholy alliance.

The following resolution was volunteered by one of the audience and was carried unanimously. "That the most cordial thanks of this meeting be given to George Thompson, Esq. President of the Anti-Slavery league, to the exercise of whose great talents and extraordinary energy, (aided by the untiring labours of Messrs. Garrison, Wright, and Douglass), the cause of negro emancipation is mainly indebted for preservation from most serious injury during a recent perilous crises in its history; and to whom the whole civilized world is under lasting obligations for averting the disgraceful calamity which threatened the Protestant churches of Europe by frustrating the insidious attempt of the American pro-slavery ministers to strengthen and uphold the inhuman system of Slavery; shielding it with the high and solemn sanction of evangelical religion."

I have recently perused with considerable interest the reports of the anniversary meetings of your religious societies, and am both astonished and grieved to find that, although there is abundance of pity for the teeming multudes which are flocking in from the old world, where at least they have had the opportunity of hearing the gospel, and acquiring the rudiments of education, there does not appear to be a syllable of sympathy for the plundered and oppressed millions on the plantations of the South. Oh! the blindness and fatuity of such a profession of Christianity. With every desire to indulge a charitable belief in the sincerity of those professions of sympathy for the slave, which were made by the American ministers when in this country, after perusing the reports of the Societies I have referred to, it seems next to impossible to indulge it. One million five hundred thousand dollars for religious and philanthropic purposes, and not a cent for the benefit of the slaves! It is a fact sufficient to blast the fairest professions ever made. It is a fact so stupendous in its import that it is amazing how the American professors can stagger under it. Three hundred thousand per annum for the spiritual fertilization of the scorched deserts of Africa, the plains of Hindostan, and to renovate the exhausted soil of Europe whilst half of the United States are a desolate wilderness. It cannot, however, always remain thus; for if your religious philanthropic societies persevere in the exclusion of the slaves from participation in their privileges, it will lie heavily upon the Christian community of Europe if it allow them to remain neglected. In my opinion the greatest difficulty in the way of doing justice to the slaves is the pride of the American people; it is the tacit acknowledgment, which would be inevitable that they have been accustomed to do wrong. If this be a severe ordeal to the n, it were better they should pass through it at once than postpone it, and better your leading men should show the way than be forced to follow. May they by a timely repentence, to avoid so humiliating a necessity.

With kind regard to Anti-Slavery friends, I remain, my dear Sir, sincerely yours,

R. SMITH.

To Correspondents.

We are compelled to omit several valuable communications in this week's paper, to make room for the report of the proceedings of the Brazilian slave case.—As we did not receive this report till our first page was ready for the press, we had little choice left as to what should be omitted and what not. But little of that already in type could be left out, and the report of the slave case has filled all the space we had at that time to spare.

G. B. S. We are obliged to postpone the notice until next week. H. will be punctual at the time appointed.

J. O. W. The paper shall be sent as requested, and of course, gratuitously. We rejoice to hear of their progress and success. We have never seen a number of the periodical he refers to.

J. B. We will get the required information as soon as possible, and forward it. He may be sure, however, that it is no trifle.

This Week's Paper.

FOURTH PAGE.—*Poetry:* Christianity, Freedom, and Slavery; Triumph. *Miscellany:* Toussaint, (continued); The price of American Independence, or sketches of the Revolutionary War; Gleanings from Foreign Papers.

FIRST PAGE.—Peculiar Institution: Another Illustration of the System. *Pro-Slavery:* The Fruits of Abolition Fanaticism. *Selections:* The Answer; New Hampshire Election. *Standard:* The Brazilian Slave Case.

SECOND PAGE.—*Communications:* Friends' Yearly Meeting.

Died,

In Cambridge, 28th ult. Mrs. HARRIET FAY, wife of Hon. S. P. P. Fay, aged 65.

In Milton, (Mass.) 24 ult. LUCY BRADSTREET CHANNING, daughter of Dr. Walter Channing, aged 24.

In Jerusalem, of cholera, Rev. NATHAN W. FISKE, Professor of Intellectual and Moral Philosophy in Amherst College.

NOTICES.

GENESEE AND LIVINGSTGN COUNTIES.

Joseph C. Holley, a coloured man from Brooklyn, Long Islan, late of the District of Columbia, and G. B. Stebbins, of Rochester, N. Y. will hold Anti-Slavery meetings as follows, viz:

North Bergen, Genesee County,	September	1 and 2	
East Bergen,	"	"	3 " 4
Elba,	"	"	5 " 6
Pine Hill,	"	"	7 " 8
Oakfield,	"	"	8 " 10
Pembroke,	"	"	11 " 12
East Bethany,	"	"	13 " 14
Pavillion,	"	"	15
East Avon, Livingston County,		"	18 " 19
Caledonia,	"	"	20 " 21
Fowlersville,	"	"	22 " 23
Cuylersville,	"	"	24 " 25
Lakeville,	"	"	26 " 27
Livonia,	"	"	28 " 29
South Livonia,	"	September 30 and	Oct. 31.

The above meetings will commence at two and seven o'clock, P. M. of each day.

Will friends in each place see that arrangements are made, and extended notice given? Let the people come and hear their appeals for the slave, and the country groaning under the yoke of a slaveholding oligarchy.

J. C. Holley can tell a stirring story of abuse and persecution, by which he was forced to flee from the national domain, and the care of the nation's lawmakers in the District of Columbia.

J. C. HATHAWAY,
General Agent of American Society for New-York.

CHARLES LENOX REMOND and J. C. HATHAWAY will hold Anti-Slavery meetings as follow:—

MONROE COUNTY.

Churchville, Friday and Saturday,	August	6th and 7th

ERIE COUNTY.

Clarence Hollow, Tues. and Wednes.	"	10th and 11th
East Hamburg, Thursday and Friday,	"	12th and 13th
Collins Centre, Saturday and Sunday,	"	14th and 15th

CHAUTAUQUE COUNTY.

Fredonia, Tuesday and Wednesday,	"	17th and 18th
Westfield, Thursday and Friday,	"	19th and 20th
Sherman, Saturday and Sunday,	"	21st and 22d
Dewittville, Tuesday and Wednesday,	"	24th and 25th
Jamestown, Thursday and Friday,	"	26th and 27th
Busti, Saturday and Sunday,	"	28th and 29th

CATTARAUGUS COUNTY.

Conewango, Tues. and Wednes.	"	31st and Sept. 1st

CHAUTAUQUE COUNTY.

Ellington, Thursday and Friday, September		2d and 3d
Cherry Creek, Saturday and Sunday	"	4th and 5th

ERIE COUNTY.

Lodi, Tuesday and Wednesday,	"	7th and 8th
Boston, Thursday and Friday,	"	9th and 10th
Buffalo, Sunday,	"	12th

The above meetings will commence at 2 o'clock, and 7 o'clock, P. M.

J. C. HATHAWAY,
FARMINGTON, 8 mo. 1847. *Gen. Agt. for N. Y.*

ANNUAL MEETING.

The next annual meeting of the Western Anti-Slavery Society will be held at New Lyme, Ashtabula county, on Wednesday, Thursday, and Friday, the 18th, 19th, and 20th of August, commencing at ten o'clock, A. M.

Let the friends of Freedom come up in multitudes to the gathering! Let there be such an assemblage as will make glad the heart of the slave, and hasten the day of his redemption! Let all who can possibly attend, be there. At a time like this the friends of liberty have not a single man to spare. Now is the hour for action—zeal, energy, and firmness are needed now. We must not suffer the victors' shouts of triumph that come up from the plains of Mexico to drown the voices of those who are pleading for humanity. We must not allow the national exultation for triumphs upon the battle-field, and the frenzied love for military glory to roll over the land without an effort to restrain them.

Our duty is plain, our work is before us, and the present is ours to labour in. Shall we be faithful to the trust reposed in us, or recreant to the high duty we owe our country, the world, our brother, and our Creator?

Beside the advocates of emancipation in the West, we expect to have with us on that occasion, WM. LLOYD GARRISON, JAMES N. BUFFUM, FREDERICK DOUGLASS, STEPHEN S. FOSTER, and perhaps others.

LOT HOLMES, *Recording Secretary.*

TOUR OF WILLIAM LLOYD GARRISON, FREDERICK DOUGLASS, AND JAMES N. BUFFUM, *Through the State of New-York.*

These friends of the SLAVE have kindly consented to spend a few weeks in this State on their way home from Ohio. I give this early notice of their intentions, that every individual may make arrangements to be at one or more of the Conventions which they will attend.

It is unnecessary to urge, or even earnestly invite any one to go. The bare announcement of the names of GARRISON, DOUGLASS, and BUFFUM, will secure an overwhelming audience anywhere in the Empire State. Unless prevented by sickness or accident, they will attend Conventions as follows:—at

BUFFALO.—On Tuesday and Wednesday, SEPTEMBER 14th and 15th, commencing at 10 o'clock, A. M. on each day.

ROCHESTER.—On Thursday and Friday, September 16th and 17th, commencing at 2 o'clock, P. M. on Thursday, and 10 o'clock, A. M. on Friday.

FARMINGTON.—On Sunday, September 19th, commencing at 2 o'clock, P. M.

CANANDAIGUA.—On Monday, September 20th, commencing at 2 o'clock, P. M.

WATERLOO.—On Tuesday and Wednesday, September 21st and 22d, commencing, on Tuesday, at 2 o'clock, P. M. and at 10 o'clock, A. M. on Wednesday.

AUBURN.—On Thursday, September 23d, commencing at 2 o'clock, P. M.

SYRACUSE.—On Friday, September 24th, commencing at 2 o'clock, P. M.

WEST WINFIELD.—On Saturday and Sunday, September 25th and 26th, commencing on Saturday, at 2 o'clock, P. M. and at 10 o'clock, A. M. on Sunday.

LITTLE FALLS.—On Monday and Tuesday, September 27th and 28th, commencing on Monday, at 2 o'clock, P. M. and 10 o'clock, A. M. on Tuesday.

ALBANY.—On Wednesday, September 29th, commencing at 2 o'clock, P. M.

Several other distinguished speakers will be present at all the Conventions, and

CHARLES LENOX REMOND will be at BUFFALO, ROCHESTER, FARMINGTON, and CANANDAIGUA.

E. D. HUDSON and LEWIS HAYDEN will be at WEST WINFIELD and LITTLE FALLS.

Will the friends in the different places make early and ample arrangements, and let the notice be extended far and wide by handbills and otherwise, so that no individual shall miss the rare opportunity for want of notice.

Will the local papers please copy the foregoing notice, so far as their particular localities are concerned?

J. C. HATHAWAY,
General Agent for the State of New-York
FARMINGTON, 7th mo. 1847.

CIRCULAR.

TO THOSE IN RHODE ISLAND WHO LOVE LIBERTY.

PROVIDENCE, JUNE 8, 1847.

DEAR FRIENDS.—Taking courage from your past willingness and liberality to afford "aid and comfort" to those labouring for the oppressed, we solicit your contributions, for our next Annual Fair, to be holden in this city, on Wednesday, (Commencement day,) September 1st.

Bear with us a few moments, while we urge this matter upon your attention. Like all other contests, this war for freedom cannot be waged without funds. Every battle fought and victory won, must be accomplished at a great expense, both of strength and money. Each success is the cause of enlarged operations and increased outlays. That we have been blest with success must be evident to every one. How changed the public tone on the subject of Slavery! Its arrogant assumptions and impudent usurpations are not only *felt*, but plainly talked about. The *press*, emancipated from its wizard spell, *whispers* no longer. The rights of the *coloured man*, are acknowledged to be the rights of *man*. Yet new fields of labour open before us: new demands are made upon us for renewed self-denial and laborious exertion. *We must maintain the posts we have gained.* To do this, information must be diffused, and arguments must be elicited and urged home upon the consciences of both friend and foe. *Our action must be aggressive.* The battlements of oppression frown threateningly and defyingly upon *us*. A fair breach has not yet been made—yet massive *blocks* have been loosened from her base and an impression has evidently been made. Will you not then rally once *more*, that a ponderous and perhaps an effectual blow may be given—a blow that shall shake the grim old Bastile to the very centre of its foundations. If we shall do it, it will not be the *first* time that the throne of tyranny has been made to tremble upon its base by Rhode Island's children. We are few, but is not the spirit of our fathers still burning within us?

We have deserters from the enemy, whom it is necessary to assist. As the days roll on, this class is constantly increasing. Of course our means must be increased—or they suffer.

Friends, the matter is before you. What will you do? Will you do what you *can?* Will you give, *each one*, as much as the Government will wrest from you *this year* for the support of tyranny? Will you look upon three millions of your countrymen chained and bleeding—then upon your own free hands, and numberless privileges, and *then* decide by this rule: "Whatsoever ye would that men should do unto you, do ye even so to them;" and by this; "Remember them that are in bonds as bound with them?" If so, blessed are ye. Do you ask—"What do you need?" We need everything, and will take anything that can be made serviceable. The greater the variety, and the greater the value of the contributions, so much the better. But let none refrain from giving because he or she has nothing of *value* to contribute. Whatever you have will be of *some* value. Let it come.

The farmer especially can assist us. The products of his soil are just the things we need and must have. How many will devote an acre to the slave?

Will not our factory girls send us ample testimonials that while their fingers have been busy with its products, their minds have been in the cotton-field—heard and felt its horrors. But we must not enumerate. Give, give, give,—if not for the slave's sake, for your own. Then when you have given your substance, be sure and give us your presence at the time that our hearts may all be glad together.

Any requisite information may be obtained by addressing AMARANCY PAINE, *Anti-Slavery Office*, corner of Broad and Dorrance streets. Contributions and donations may be deposited in the same place, or with either of the following persons:

S. R. Harris,	*S. B. R. Thurber,*
Abby Burgess,	*Caroline Ashley,*
Mary Haltaway,	*Abby Thurber,*
Sarah R. Smith,	*Lucretia Francis,*
Mary R. Clarke,	*Elizabeth H. Brown,*
Amarancy Paine,	*Hannah B. S. Redway,*
Parthena P. Janes,	*Olive Taber,*
Mary Stewart.	

THE FOURTEENTH

National Anti-Slavery Bazaar.

TO BE HELD IN BOSTON.

During Christmas and New Year's week, 1847-8.

The undersigned, the Committee of the Fourteenth National Anti-Slavery Bazaar, appeal to all that is good and true in this nation for which they labour, to aid their undertaking

Our object is the abolition of Slavery through the renovation of public opinion; and we ask help of all who feel the impulse of compassion for a suffering people; or the instinct of self-preservation in view of the encroachments of tyranny and the dangers of sin; or the divine and awful sense of justice, moving them to uphold the right; or the high sense of honour and religious obligation, impelling them to choose their lot in this life with the slaves, and not with their oppressors; or shame beneath the scorn of Christendom justly due to a nation of slaveholders; or disgust at the discrepancy between American principle and American practice; or responsibility for keeping pure the sources of public morals; or desire to lay deep in national conscience, the foundations of future generations.

After a deep and careful examination of ways and means for the peaceable abolition of Slavery, it has been found hopeless, except through the consent of the majority of the whole people. This obtained the work is done; for the will can readily find a way. Sound judgment in the choice of means, and the best economy in their expenditure, alike forbid us therefore to enter into the partisan or sectarian schemes, by which the purposes of any one of the various political and theological persuasions will be subserved at the expense of the cause of freedom, while all others are alienated from it in the same proportion. When the preliminary question is put which every one ought to ask,—"How do you mean to expend the money, which you require our help to raise?" our answer is, "it shall be spent wholly, only and directly, in awakening, informing, and influencing the public mind on this primarily important question. It shall not be put into the hands of the political organizations, to promote the election of any candidate, but in awakening the love of Freedom and the hatred of Slavery in all; not in aiding a few fugitives to escape, but to save them that painful and hazardous experiment by abolishing the system which enslaves them; not in sending them to Africa, but in enabling them to become the free and happy elements of national strength and prosperity at home; not in making the proposition so degrading to the morals of our nation—that its Government should become the tributary of crime."

This money will, in short, be spent neither in compensation, colonization, nor political partisanship, while a clear-sighted economy will also forbid its being used in the equally benevolent, though less effectual, channel, of a vigilance committee. It will be spent in propagandism: for we strike openly, boldly, strongly, and successfully too, as our fourteen years of labor prove, at the *root* of the system we mean to abolish.

Finally, we appeal to our friends and countrymen to take part in this holy cause, as to frail and suffering and short-lived fellow-creatures. It shall strengthen them in weakness, comfort in affliction, and steel against calamity. It shall save them from the sin of living on the side of the oppressor, and the ignominy of dying in the silent support of wrong. It shall secure their children from such an inheritance of grief and shame, as the remembrance that their parents were drawn by disgraceful sympathy into the ranks of the enslavers, when the moral battle was fought out in the United States for the freedom of a race. Its consolations are proportionate to its renunciations; and in its prosecution, as in the great cause of Christianity, of which its principles form a fundamental part, we are able to assure such as embrace it, that no man shall lose friends, or houses, or lands for its sake, but he shall receive an hundred fold of nobler recompense in this world, and a sense of spiritual life besides, to which the indifferent frivolities of a selfish existence sink into insignificance.

By the united efforts of all who ought to co-operate on this occasion, it is proposed to place

$10,000.

at the ultimate disposal of the American Anti-Slavery Society.

M. W. Chapman,	*Sarah BShaw,*
Ann. T. G. Phillips,	*Mary G. Chapman,*
Helen E. Garrison,	*Caroline Weston,*
Mary May,	*Susan C. Cabot,*
Eliza Lee Follen,	*Anna R. Philbrick,*
Sarah S. Russell,	*Henrietta Sargent,*
Louisa Loring,	*Hannah Tufts,*
Mary Young,	*Eliza F. Meriam,*
Mary Willey,	*Caroline F. Williams,*
Anne Warren Weston,	*Evelina S. A. Smith,*
Maria Lowell,	*Sarah H. Southwick,*
Frances Mary Robbins,	*Ann R. Bromhall,*
Lydia Parker,	*Harriet T. White,*
Harriet B. Hall,	*Abby Francis,*
Harriet M. Jackson.	

ANTI-SLAVERY MEETINGS IN NEW-YORK.

Lewis Hayden, the fugitive slave from Kentucky, and E. D. Hudson, from Massachusetts, Agents of the American Anti-Slavery Society, will hold Anti-Slavery meetings at the following towns and villages, in Columbia, Greene, Delaware, and Broome counties, as follows:

Hillsdale, Columbia county,	Monday,	August	2d
Cario, Greene county,	Thurs. & Friday	"	5th & 6th
Freehold,	"	Saturday	" 7th
Greenville,	"	Sunday	" 8th
Durham,	"	Mon. & Tuesday	" 9th & 10th
South Durham,	"	Wednesday	"

Poetry.

For the National Anti-Slavery Standard.

CHRISTIANITY, FREEDOM, AND SLAVERY.

Three million *slaves* on *Freedom's* soil!
God of us all! and can it be?
Not only forced to sweat and toil,
In nakedness and poverty,
Producing what they must not share,
Planting, yet tasting not the fruit;
But barr'd from hope, and made to bear
Inferior treatment to the brute!

Not for committed crimes, condemned
To pay the forfeit of their right;
But hated, scorned, despised, contemn'd,
Because their colour is not white!
Thrust to the last and lowest grade
That degradation's depths can trace;
And by their pale-faced brethren made
The outcasts of the human race.

Slaves in a *Christian* country own'd
By their dear brothers in the Lord!
How all the graces must abound,—
What blessings wait upon the Word—
How Mercy's accents must distil,
And soothe the sable wretches' sorrow,
Where to-day's preacher haply will
A whip-armed driver be to-morrow!

O, tell it not in Askelon!
Conceal from Gath the tale of shame!
Lest heathen minds the Gospel shun
And learn to fear and hate its name!
Think how the Islamite would jeer!
He sets at once his converts free:—
And gem-crowned tyrants proudly sneer,
At th' hypocrites of liberty.

All men are free and equal born;
This truth our patriot fathers spoke;
Their monarch's power they laughed to scorn,
Indignant at the easiest yoke.
In many a stern and bloody fight,
They shouted freedom's thrilling cry,
And boldly braved Britannia's might,
Resolv'd to conquer or to die!

And side by side, the black man stood,
And bared his bosom to the strife;
As prodigally shed his blood,
Hardships endur'd, and peril'd life.
But ah! how different his reward,
The patriot hero, vainly brave;
Liberty's champion, scam'd and scarr'd,
Cheated, oppress'd, and still a slave!

Ill-fated race! what boots to you,
The triumphs by your country won,
While your unheeded tears bedew
The path she has to glory run?
Her ample empire stretches far,
She views her foes with proud disdain;
You tramp behind her conquering car,
With weary step, and clanking chain.

O! when will all your sufferings end?
When will your cruel bonds be riven?
Hope on, hope on,—ye have a friend,
Who rules on earth as well as heaven.
The darkest hour is near the morn,
The peaceful calm succeeds the blast,
And ye when lowest, and forlorn,
Shall full deliverance have at last.

JAMES STILLMAN.

New-York, July 28, 1847.

From the People's Journal.

TRIUMPH.

BY W. J. LINTON.

Work can never miss its wages.
One wide song rings through the ages;—
Ever loss true gain presages.

Not alone that flowers are blowing
Over graves; that bread is growing
In warm tears from heaven flowing;

That old Winter spring-seed hiveth:—
Ever Death Creation wiveth;
And God's Love the tempest driveth.

Let the conqueror blush for winning!
Little worth his conquest-singing!—
They who lose are so beginning.

Through the years one chorus ringeth:—
The death-chant the martyr sinneth
Is the root whence victory springeth.

In the desert sink the Weary;
Dry their pitcher:—angels near ye!
Ishmael! Arab empires fear thee.

Joseph by his brethren barter'd
Hath his full revenge: the Martyr'd
Egypt saved, and Israel charter'd.

Round the ark the river gushes;
All is lost:—amid the rushes
Pharoah's daughter, dawn-like, blushes.

Calvary's complete surrender
Is of utmost conquest tender,
And its gloom intensest splendour.

What though Ruin cometh faster,
Look thou God-ward through disaster:
"In this sign thou shalt be master!"

Ever hangs 'twixt earth and heaven
Victory's Victor, unforgiven,
Crown'd with thorns and earthquake-riven.

Ever the same chorus ringeth:—
From his cross the martyr flingeth
Wide the seed whence mastery springeth.

Ever through the book of ages
The same echoes close the pages:—
Ever loss true gain presages.

Miscellany.

TOUSSAINT:

AN HISTORICAL ROMANCE.

From an unpublished Translation from the German of Theodore Mugge.)

CHAPTER II.—[CONCLUDED.]

"Citizen Jumecourt," said Toussaint, "I wish to propose to you some questions, and I expect a straightforward answer. Deserve the protection, I will afford you, by a faithful devotion to your country, and so cause the past to be forgotten. You have come hither relying upon my indulgence. Well, then, you shall not be mistaken—but I desire entire compliance with my will—entire change of Creole principles—here all are equal, all free—the Law is the strict, righteous master; no one can escape it. I know," he continued, "that you have left Grand-Anse because you have the wisdom to see that it will soon be all over here with your friends, the English. You have parted from your uncle, who thinks differently, and you went to General Maitland, at St. Nicholas, to find out what you had to hope from the English. These hopes," said he, with a smile, "must have been very small, or you would not be here; but I rejoice in it for the sake of the Republic."

"General," replied Jumecourt, who had now recovered his wonted assurance, "I, too, rejoice heartily at what I have seen. St. Nicholas is, it is true, furnished with a strong garrison, and all necessaries ample enough to maintain its reputation as an impregnable fortress, but they have lost all spirit to attempt anything more for the conquest of Domingo. They see that the fort bears nothing, and what use are the bare stones if they shut them off from the rich land?"

"And General Maitland," said Toussaint. "Say on——"

"The General spoke to me openly," said Jumecourt. "So much blood and money have been wasted here without any advantage—so he said, after a long conversation, that even the gentlemen in London—it made even their hearts beat when they thought of it. In order then—" and here the Creole cast a penetrating look upon Toussaint, and smiled impudently, like one who makes a proposal to a man whom he believes to be a villain.

"Proceed, Citizen Jumecourt," said Toussaint, haughtily.

"Now, General," said the nobleman, "I think, you can guess what he meant."

"I am accustomed to hear," replied the General, sternly, "when I have given permission to speak."

This remark, and its threatening tone, had the intended effect. Jumecourt reddened, and bowed:—"Maitland," said he, "will surrender St. Nicholas to you, General, for he believes that he will thereby render you a great service, and obtain the best conditions for himself. Perhaps England herself might have some plan——"

Here the General turned upon Jumecourt one of those looks which silenced everything. The Creole left the sentence unfinished, and gazed in wonder and fear at the negro, who had turned away from him, and was moving with hasty steps up and down the room. Suddenly, he paused again before Jumecourt, and said: "Accept my thanks;—remain here, no one shall harm you—but avoid everything that might draw the eyes of the world upon you—the more retired you live, the better." He was silent a moment, and then resumed: "The good cause requires faithful citizens—the Republic compensates and rewards her friends—I forget none of them—the time is coming when I shall think of you. Your estates are safe, I can propose to the Government to restore them to you." And here he bowed, without waiting for an answer. The stout negro officer, who understood the form of dismission, instantly threw open the door, and Jumecourt found himself, with an answer yet on his lips, in the ante-room.

"Go not back into the saloon," said the black.—"Your sudden re-appearance might excite remark. Here is a passage out, and if I may advise you," whispered he, "keep hush to everybody about this interview with the General."

"What I particularly wished to say, he does not yet know," said Jumecourt, resisting the precipitation of the other. "Maitland has very particular views. This Englishman, with the help of the General, will effect by cunning what arms——"

"Citizen Jumecourt," said the negro, wholly in a whisper, "do you guard your tongue. Whatever you know, keep it as secret as if you were at the bottom of the sea. Toussaint l'Ouverture is a great man; he knows everything, he is a great magician, as his people say, but he knows all traitors, and how to silence them forever."

He led Jumecourt out, and then returned to the cabinet, where the General was still walking up and down. When he saw the officer: "That is a pretty popinjay," said he, "that arrogant, vain fool, but he must take care that I do not break his beak for him. The Creoles prattle like children, and this lad is so impudent as to fancy himself a person of importance. For the rest, he is sufficiently shrewd to know what is for his advantage—shrewder than the mad enthusiast, Blanchelande's daughter, who has already—and so is not to be kept back from any folly."

"Her folly," replied the officer, laughing, "is at least shrewd enough to prompt her to rave for the great deliverer."

"Ah, what's that you say," cried Toussaint, "I know this kind of heroes and heroines. They pursue their notion of virtue, like blood-hounds, and are ready to tear every one in pieces, who does not wear their colours. To-day their deliverer, to-morrow, I may be their tyrant, a Pontius Pilate, if they chance to see any weakness in me, and if she knew——" here he paused, and then resumed: "It will not do for this fool to rob me of a minute, for every minute is precious." He continued to walk up and down, with arms crossed, at one moment muttering to himself, then with animated gestures, putting short, rapid queries to the officer, who returned full answers in reference to many things which concerned particular persons, and the state of the black army.

Suddenly standing still, and planting his foot firmly on the floor, Toussaint exclaimed: "I must have it, and if I should send off this Agent-General to France to-morrow, yes, and even venture a struggle with the Republic itself, I will not let them take it from me. I know what I am doing, I!—they must not drive me to extremities. I fear not their power. I know this Island and its resources. What were these Europeans here without us? They will be lost. I will meet them, I!" Surprised at his own violence of expression, he looked at the stout negro, who stood calmly at the door. He stepped close up to him, laid a hand upon each of his shoulders, and fixed upon him a look of the most hearty affection. "Christophe, my friend," said he, "I have no secrets with thee, my brother. My whole soul is open to thee."

"I have received your hand in friendship," replied the other, with an expression of reverence and gratitude. "When I came hither, a stranger, it was your kindness, General, to which I was indebted for everything. You have protected and promoted me, what I have is yours, and I pray God for no greater privilege than to be always to my noble friend, a faithful friend and servant."

"For long years," said Toussaint, "I have sought round among my people to find a worthy associate. Dessalines is too savage, Vauregas too calculating, too cold, Belair too young, and Moses too blind. Clerveaux, Dammache, my brother Paul, Camemière, O! there are many brave and true men around, even without the whites, who always keep a corner of their hearts for themselves, which is kept shut against the black friend. I know them all. I know how I should consider them all. You came into my camp at St. Marc's, and some one told me that a negro had come, who had been the slave of a merchant on the island of St. Christophe, and after various adventures, had been in America, and fought there, as a freeman, for the liberties of the country, and had been an officer until peace came, and those haughty Republicans had driven him off because he was black; and now he had come to his brethren in St. Domingo. I longed to see you, and when I saw you, I knew that you would be my faithful friend and companion, true as Dessalines, prudent as Maurepas, brave as Moses."

"And I hope, General," said Christophe, "that I shall never disappoint this confidence."

"It was a gloomy, dismal night," rejoined Toussaint, thoughtfully, and his eyes took a wild, visionary expression, "when I first saw thee, long before thou stood'st before me. The holy fire was burning, magical words had been uttered by the Priest of the great Fetisch, and from the smoke arose a dim form, whose features shortly became visible. It was thou—I forget nothing—I recognized thee immediately. A light flame rose around us, and appeared to unite us to one another. Speak, Priest, I cried, who is this man? You will find him, said the magician, solemnly, he and Dessalines will be thy most faithful friends. Therefore, my, brother, my heart is open to thee. I know, thou lovest me and lovest thy people, thy country, and freedom! These proud whites, they shall not triumph—this Directory and its agents,—they shall not put new chains about our necks. With our blood have we conquered this Island, it belongs to us, the white race can only be borne here, they can no longer bear rule. What will they do, if I send them all off to-day to their ships, and send them home? I have the power, I—— they are all in my hands, but God forbid that I should return their evil with evil. We must learn of them—we need them—it would be a misfortune, were they to leave us—there are many of them whom I love, and who love me in return. But the hour will strike—I see it will, I hear the melancholy sound in my ears—when they will leave us, and we them. But first these Englishmen, then the false race of the mulattoes, and then we may shake off the white hand."

While he poured forth these broken sentences, his eye was fixed upon Christophe. "And now," said he, exchanging the tone of confidence for that of command, "now, General, betake yourself immediately to the camp at St. Nicholas. My Secretary, Pascal, will accompany you. I empower you to treat with General Maitland upon any conditions.—I myself will appear when it is time; one can talk with these Englishmen—we will see what is to be done. I will see and hear—my spirit is everywhere. I am a Frenchman, but I am also the chief of my caste, and what is of more importance, I must take care of my brethren."

With a few brief and cordial words, he dismissed General Christophe, who retired, more impressed than ever with admiration of this remarkable man. Toussaint then, with a proud, and satisfied air, prepared to quit the cabinet, when a side-door was softly opened, and the Marchioness, smiling with love, entered. The purple robe, thrown seducingly open, the voluptuous figure, the long, perfumed hair, the eyes and the voice equally soft and tender, all united to exercise a bewildering power. Never had Toussaint seen a more beautiful woman. He gazed at her with an enraptured look, as upon some unearthly apparition. His strong understanding appeared for a moment to struggle with a tumult of passions; it seemed, in his questioning looks, as if he asked:—"Is it possible that this ugly old body can move thee, thou beautiful being, to love? And then he raised his head proudly up, and his broad chest dilated.—His whole muscular person seemed to put on the mobility of youth. He was inspired, perhaps, by the consciousness of his strength still unimpaired, united with a feeling that his mind supplied to him a thousand fold what he wanted in youth and person.—Perhaps there was also the self-deluding idea that this beautiful woman had forgotten his age, his colour, and the whole past, in the dazzling blaze of his glory. She had thrown herself upon a sofa while Toussaint answered her questions about the incidents of the day.

She talked and laughed about the young republican, Blanca, of whom she had many anecdotes to tell, and then about Jumecourt, who, as she said, was the silly fool, in black shining locks; and she threw out many jests and inuendoes, as she told how the odd Citoyenne Blanca Blanchelande was frightened, and how grim Colonel Vincent looked at the appearance of Jumecourt. "Times have strangely altered. Some years ago, I, myself, was every where shunned, for I had nothing to do with this pure civil virtue.—I was then, through my husband, regarded even as the head of a party, and no one then threw heavier stones at me than this lady republican. Now comes she back from France, and had I not permitted her to appear in my saloon, had you, dear friend, not received her, and welcomed her graciously, no one scarcely would have noticed her."

"I hope," said Toussaint, "that no one who values my protection will do her any injury."

"All faithfully followed your example," said the Marchioness, "all but Vincent, who shortly after disappeared with his pale saint."

In Toussaint's countenance appeared a slight shade of vexation, which the lady observed. "He is a self-willed, proud man," she continued. "I know, he once loved Blanca as much as Jumecourt loved Helen. Now the mutually repulsive elements have come together, and he ought to bless the pair," cried she, laughing heartily, "instead of fostering his hate."

"This enthusiast, and the unbelieving Creole," said Toussaint, contemptuously, "they fit each other admirably."

"He instructs her, and she him," cried de Borel. "I am greatly mistaken if I do not see them soon conclude a contract before the Mayor. And," she added, "could I only do the same thing, too, could I enter into that bond with thee, and call to all the world: Behold I have found at last the man to whom I will eternally belong."

Toussaint appeared to be startled for a moment, but with increasing tenderness, she whispered: "But what avails it, you are mine, already. Your greatness, your glory, that it is that binds me to you. Who can appreciate that as I do, who live therefore like me! I see only the hero, the first man of his time, the born ruler, who needs no crown. He is mine, that is enough for me, to him do I wholly belong. I am his friend, who may love him, and guard him—that is all I desire. Yes, guard him," she continued, as he looked inquiringly at her, "guard him from enemies, which at times assault his heart, suspicion and timidity, those base spirits that terrify the soul. Thou art an eagle, that mounts to Heaven, that no tornado, no sullen cloud with its lightnings can obstruct. Roll not thine eyes so, thou knowest what I mean, thou knowest that I know all thy plans. I have lighted the fire of ambition in thy soul, I kindled it into a flame. Thou first of men, start not back from thy destiny, when it holds out to thee a crown. Thy brow is regal, thine eye is born to command, men fall in adoration at thy feet. Why dost thou hesitate to drive away the rabble that would impede thy path?—this miserable agent of the Republic, this yellow villain, Rigaud, who ventures to defy thee, this handful of wretched fools, who see not that God and Fortune are with thee?"

"It is not yet time," said the General, softly.—"These Englishmen"——

"I know what they want," replied de Borel, significantly, "for they know what you want. "What can France now give you," she continued, in a contemptuous tone, "that you have not already? Can it satisfy your spirit to be Governor-General, the slave of the Directory on the other side of the sea, the submissive servant of their authority, the object of their suspicion, perhaps," she added, in a low voice, "the victim of a sharp knife, or a bitter draught of the manioc-flowers?"

Here the General arose, stretched out his arm, as if about to answer with some vehemence, but suppressing his emotion: "I have seldom deceived myself as to the course of things," said he. "I know men, I, but I am not accustomed to be in a hurry. Patience and calmness, therewith one can work miracles. I have sent Christophe to St. Nicholas. It will be mine in a few days. This prudent General Hedouville, will certainly soon leave us. He will not be satisfied here, and the fools will go with him. But Rigaud," and here his voice took a tone of hate, "what does the yellow man want there in the Southern corner? I will knock at the door of his dwelling, when I please, and turn him out, I."

"And then," cried de Borel, with flashing eye, "then, Domingo is thine; yes, it is thine, already, if thou choosest, for England will give thee a crown."

"If I will give her Domingo," said Toussaint.—"But I will first hear what they want to buy, and sell, those shrewd tradesfolk, and then—good night, Madame, good night, my beautiful Queen!" He pressed his lips to her brow, and suddenly retired from the room.

The beautiful woman gathered herself up in a corner of the sofa, and wrapped herself in her full flowing hair, as in a veil. The lights burnt down, her saloon had long been deserted, the house was empty, she was scarcely aware of it. Now and then appeared a smile of scorn upon her lips, from which broke some sudden exclamation. A tear sparkled on her lids, and trickled slowly over her cheeks; she dashed it away. "Love!" cried she, "what is this love, which has made me so miserable? A silly, foolish trick of the senses, which throws us into the arms of the most pitiable fools. And this old negro," said she, slowly, "he is ugly, by all the saints! the ugliest man that has ever boasted of my love. But I have my property, again," she added, in triumph, "I am his friend, his confidante, and he has become a child again under my management, foolish, submissive. The Conqueror of Domingo, the hero, who subdued Santonax, he is humble, my slave," and then she broke out into a laugh, that sounded like the voice of a demon in the still midnight.

She rose, and stood before the large mirror, which reflected her whole person. With anxious earnestness, she gazed at every feature, considered every line, every spot upon the skin, and thus remained, buried in thought, contemplating herself. There was something ghostly in the scene, as she addressed the mirror in menacing tones, as she, in a clear voice again, treated it as if it were alive, and the silent image which it gave back, and the echo seemed to repeat her words: "Seven years!" said she, at last; "how much that is monstrous, horrible, can one live to see in seven short years. Mauduit, before he died, said he not often to thee: 'Constance, thou scarcely numberest twenty years, and hast exhausted all the passions of a long life. The fool, the traitor! he was served right. I repent it not, I repent it not! Miserable Borel, why was it that thou must needs have had this hand? O! unhappy that I am! That I must mourn and deplore! I weep, that the crazy beggar still lives, that he it is that fetters thy freedom. He who rescues me, who puts down that miserable man, and sets me at liberty, he shall call me his." Suddenly a thought appeared to strike her. With a smile, she drew herself proudly up, arranged her hair, and the diamonds, and pearls, which bedecked her lofty brow, and then with a reverential air, contemplated herself in the mirror. She crossed her hands, bowed her head, and whispered: "Good night, Queen Constance! Go, and sleep calmly. Who, among the common herd, shall dare to thwart your highness? Good night, lofty Queen, good night!" And with this she retired.

(To be continued.)

A writer in the *Naval and Military Gazette* contends that the moustache, acting as a respirator, is a preservative from consumption. Hence, hairy-lipped regiments are more free from disease of the lungs than others.

From the British Friend.

THE PRICE OF AMERICAN INDEPENDENCE; OR SKETCHES OF THE REVOLUTIONARY WAR.

"They that take the sword, shall perish with the sword."—MAT. xxvi. 52.

"But the meek shall inherit the earth; and shall delight themselves in the abundance of peace."—Ps. xxxii. 12.

Many of the preachers of different religious denominations, not being principled against war, took much interest in the events of the time connected with the Revolution, and by their example and precepts, no doubt, tended greatly to promote hostilities, as between the colonists and the mother-country.

In the neighbourhood of Connecticut Farms, lived James Caldwell, a Presbyterian clergyman, of great activity, ability, and influence; whose successful exertions in animating the Jersey militia to defend their rights, had rendered him particularly obnoxious to the English. When the royal forces were on their way into the country, a soldier came to his house, in his absence, and shot his wife instantly dead, by levelling his piece directly at her, through the window of the room in which she was sitting with her children. At the request of an American officer, her body was removed to some distance, and then the house and everything in it was reduced to ashes. The British soldiers also burnt the flourishing village and the Presbyterian church. Shortly after this distressing occurrence, James Caldwell hearing of the arrival of a young female, whose family in New-York had been particularly kind to the American prisoners, went to meet her. While engaged in taking a bundle belonging to her, and which a sentinel of the American army had seized, to the commanding officer, another soldier told him to stop, and shot him dead immediately. The man who shot him was seized and executed.*

Amidst the calamitous and harrowing scenes of this cruel war, there is one bright spot in the history of American Independence, on which the eye of the friends of peace may rest with delight, and exclaim, "Here are our principles carried out, fully tested, and proved equal to the most extreme cases." From a survey of this scene, the advocates of physical force may also derive instruction. This animating scene is the position occupied, at this eventful period, by the Society of Friends. They exhibit to the world in a striking light, the power of Christian principle, and that when faithfully adhered to, it is capable of carrying through all difficulties—that *godliness is profitable unto all things; having even the promise of the life that now is, as well as that which is to come.* Their conduct and its results, show that fighting even in self-defence, is not necessary;† but that the best way of obtaining even our civil and political rights, is by a steady perseverance in doing what we believe religion requires of us, without reference to the *probable* suffering and inconvenience it may bring upon us.

At the commencement of the Revolution, a few individuals of the Society of Friends, who were attached to the British Government, and who were not true to their principle against all war, were tried, convicted, and executed as traitors to their country. But the body of the Society kept firm to their peaceable principles, and refused to take any active part in the struggle, on either side.

We are informed by a Friend† who lived in Rhode Island, that in the early part of the contest, the Deputy-Governor sent to the Friends where he resided, requesting that such as had small arms (no doubt fowling-pieces) would produce them at the court-house next day, in order that the guns in the Government might be known. After mature consideration, an answer was sent signed by the male members of the society, stating that their religious principles did not admit of compliance. The Deputy-Governor received it kindly, and seemed satisfied; saying, that he believed liberty of conscience was the natural right of all mankind. The same friend says, that the rulers of America, having made a paper currency professedly for the special purpose of maintaining the war; he was greatly exercised in spirit, on account of taking and passing that money, and in regard to the payment of taxes raised chiefly for the same purpose, believing a time would come, when Christians would not so far contribute to the support of war, as voluntarily to pay taxes that were mainly for defraying the expenses thereof. He believed it his business, to let the potsherds of the earth alone in their smiting one against another; but to be clear in the sight of God, and to do all that He might require of him, towards the coming of his peaceable kingdom upon earth. Fears and reasonings at first prevailed on this Friend to take the currency; but growing distressed about it, he refused it altogether, and had peace of mind therein; although, from their being but little else in circulation, he got scarcely any money at all.‡ The evils which this paper currency brought upon the States, will be described in a future paper. When the British forces took possession of Rhode Island, many of the inhabitants of Providence, where Job Scott resided, moved their goods, and some their families, out of the town, in great precipitancy and alarm. The Friends of the place, in company with some others who were there, at the time, held a conference; and it was advised by them, that Friends keep still and do no more; unless upon deep and solid consideration, the way should be clearly open for any one to move. It was also advised, that Friends so conduct themselves, as not to increase the commotion and intimidation prevalent amongst the people. This advice was very savoury to some whose travail of soul was, that Friends might be preserved in the stability of the unchangeable truth.§ A Friend of the name of Vaux, who resided with his family on a plantation in full view of the great American encampment, at Valley Forge, on the opposite side of the river, had frequently the company of General Howe, and other British commanders. One day it happened, that he had Howe to breakfast, and Washington to tea; and being a Friend who wished well to all men, he made no distinction between the contending parties, but left his house open to all. This was the general practice of Friends during the war; and it proved the best policy; for although attended with some loss of provisions at the time, yet they were generally preserved from any serious suffering in their persons, by their hospitable conduct.¶

After the battle of Guilford Court house, in which the Americans, under General Green were defeated by the British troops, the field presented an afflicting spectacle, being strewed to a considerable extent with the dead and wounded. The victors collected the wounded, but could afford them no adequate assistance, for they were without tents, and there were no houses near to shelter. Besides, they had marched several miles in the morning, and had no provisions for themselves, and consequently could give nothing to their bleeding companions. The succeeding night was extremely dark and wet, and the piercing shrieks of the dying falling on the ear amidst the deep gloom, and under torrents of rain, penetrating every feeling heart with anguish; but they were unable to afford even the shadow of relief. Ere morning, death had rescued many of the miserable sufferers from their pangs. On General Green's arriving at the Friend's meeting-house, he found the wounded, both British and American, officers and soldiers, who had been left behind; but having no means of making provision for them, he addressed a letter to the Friends in the vicinity, stating that he had been brought up in their persuasion, and that now they had an opportunity of exercising their humanity, without distinction of parties, both to the wounded British and Americans, who, without their friendly aid, must perish. His appeal was not disregarded; for the Friends immediately furnished the requisite supplies for the hospital.**

Friends' meeting-house at Birmingham, was converted into an hospital, after the battle of Brandywine, and several Friends lent their assistance to the poor wounded and dying soldiers, who were scattered over the field.††

In the year 1778, two Friends, named Abel Thomas, and James Thomas, being concerned in Gospel love to visit various places in America, and having occasion in the performance of this duty, to cross the lines of both the contending parties, they were repeatedly apprehended, and put under guard. At Princeton, they were examined by Governor Livingston, on a charge of treason, for having been in the enemy's camp. The Governor, and his Council, were so convinced of the Friends' innocency and integrity, that they granted them a pass, in which it is said, that they, "when hearing their defence, were satisfied of their innocence, and have reason to believe that their journey to the several places which they have visited, was undertaken on a religious account, and agreeable to their declared intention, to the meeting held at Maiden Creek, the 25th day of March, 1778, of performing a religious visit to the meetings of Friends in parts of the Jerseys, and part of New-York Government. And this Government being unwilling to obstruct any society in the exercise of their religion, the said Abel Thomas, and James Thomas, are permitted to pass to the nine places last mentioned, (which are specified in the document,) and then to the State of Pennsylvania."

Abel Thomas afterwards visited the meetings of Friends in Virginia, and Carolina, passing through very great difficulties, as the country was much infested by a lawless, murderous banditti; who, for the sake of plunder, frequently shot down innocent people, as they were riding along the roads.

As he and his companion were riding in a small path through the wilderness, they were overtaken by two men, who, in great rage, ordered them to stand; and with terrifying, blasphemous language, raised their guns to shoot them. Abel Thomas desired them to have a little patience, as he had something to say; and so they remained for about ten minutes. Then the men turned round to consult between themselves privately; and one of them asked the other, if they should kill them. He replied, "I hate to kill them." After some more private discourse, they turned to the Friends, ordered them off their horses, which they took with them, and rode off. This Friend was favoured to return to his family and friends in peace; and he says in reference to this journey, "My master had a service for me there, and I trusted my life in his hand, travelled on, and so obtained a reward which is more precious than gold."*

In 1782, when there was a law in force which made it death, with forfeiture of estates, to go within the British lines, John Pemberton, of Philadelphia, felt his mind engaged to pay a religious visit to Friends in Europe. Not having freedom in his mind to apply for a passport, he addressed the Government, stating that he had no sinister or worldly concern in making this visit, but singly the honest and upright discharge of a duty enjoined on him by that Holy Being, who formed us for his glory, and who has a right to our services in all things. The generality of the Council were convinced that his journey was purely from a religious motive; and though one or two of the number were for putting the laws in execution against his property, yet since he was single-hearted and sincere, he experienced preservation.†

Previously to this, John Pemberton, with several other Friends, had been found from their houses, and detained several months as prisoners. He himself did not suffer much in his person; though he mentions several who did. But he says, "Amidst all these commotions, the Lord in mercy has vouchsafed to say to a remnant, as to the boisterous waves formerly, "Peace, be still!" He has permitted our religious meetings to be held in much quietude, and favoured the minds of such who have endeavoured to keep out of the flaming fiery spirit, with an admirable calm. Although destruction has been threatened to Friends, yet the Lord has hitherto preserved, and few have unsettled themselves, or removed from the city; to Him be the praise. The gracious dealing of the Lord, is abundantly worthy of being commemorated, and preserved for future time."

Some, indeed, of the Society of Friends, had considerable trials to undergo, in the consistent support of their peaceable principles. James Gawthorp who had settled in Virginia, suffered much for his testimony against fighting. For refusing to muster, when required by the colonists, he was taken and marched two hundred miles, to Philadelphia, with his hands tied behind him, and a gun on his back. He was not, however, kept long, but was sent home again, though he was not allowed to see his father from England, who was then in Philadelphia on a religious visit.‡

It is probable, that the afflictions of these faithful sufferers, tended much to promote the good cause in which they were engaged, by opening the eyes of others. A Friend being drafted to stand guard over part of General Burgoyne's army, then prisoners in Virginia, he would not comply; and was, therefore, tried by a court-martial, who sentenced him to receive thirty-nine lashes. This sentence was executed in the presence of some hundred spectators; forty stripes were heavily laid on by three different persons, with a whip having nine cords. The Friend, though much torn, was supported; and persuasions, and threats, were afterwards offered in vain, to prevail on him to yield to service. It was thought that the faithfulness of this Friend, and the severe suffering he underwent spread the testimony of Truth. One captain, it was said, laid down his commission; declaring, that if innocent, conscientious men were thus treated, he would not serve any longer.

A Friend, named Christopher Sower, was stripped naked by the Americans, and painted in different colours, confined for some time at the camp, and at length released, with a few rags given to him. It was a remarkable fact, that the man who painted him, and had part of his clothes, was, a few days afterwards, seized with a violent pain, and died in great misery; desiring that the clothes of which he had deprived the Friend, might be taken from his body; which being done, he expired. The death of a Colonel in the American army, was also very striking and affecting. He had been a schoolmaster at Wilmington, and was very active in distressing Friends. Being at the house of a Friend, he used some endeavours to ensnare him, and at length asked him, "What he thought of General Washington." He replied that "he had heard he was a good soldier." This excited the Colonel, who compared General Washington to Jesus Christ, our Lord; and mounting his horse soon after using these blasphemous expressions, rode but a little distance, when his horse threw him, and broke his skull, and he presently died. He had but a few days before, taken possession of a confiscated estate, and it is said, obliged the man's wife to leave the place.§

But though some of the Society of Friends had thus to "go forth weeping, bearing precious seed;" yet upon the whole, their sufferings were light, compared with those, whose principles were not against war, and who took part in the contest; and they experienced many remarkable deliverances. Lieutenant Burn, a pious English officer, who was employed on board a ship of war, cruizing off the American coast, says, that on a sloop being taken, bound to Nantucket, with three Quakers on board, they unanimously consented to give them up their vessel, on condition, that they should give half their cargo to three other Quakers, the proprietors of a sloop that had been taken a little before. On the occasion of taking another sloop from Nantucket, with two Quakers on board, he says, that they pitied their situation in the dispute, and on that account returned the poor creatures the sloop, though contrary to act of Parliament, and only took out of her a few bushels of corn.

Some Friends, about ten in number, who, of course, refused to bear arms, were forced by the soldiery along with them, when about to combat the British army in Carolina; and when they approached, and were about to fire at each other, the Friends were put in the front. One of them desired his brethren to do as he should; and he fell flat to the ground, as did the rest. A fire immediately ensued, and the Americans were routed, and many of them near these Friends slain; yet they escaped.‖

During the war, a part of the American army lay near the meeting-house at Gunpowder Falls, which did not, however, prevent the Friends from holding their meetings for worship. The resentment of a Colonel of this party against Friends, was raised to such a pitch of malice, that one day he came to the most extraordinary and cruel resolution of putting to the sword those who were collected at their place of worship, considering them no better than a company of traitors. Drawing up his men near the spot, he ordered them to halt, in order to make arrangements for the execution of his dreadful purpose. At this moment, an awful, silent pause took place, in which he felt his mind so powerfully smitten with conviction, that he not only drew off his men, but conceived very favourable sentiments of the Society of Friends; and continuing to yield to his convictions, he afterwards joined in communion with them, and continued faithful to the principles of truth as professed by them.¶

Many instances similar to those related might be added; indeed, the history of the Society of Friends in America, affords a full refutation of the libel on Christianity, that the pacific principles of Christ and his apostles, are not adapted to practice in the common affairs of the world. It is true, the Christian must lead a life of self-denial, of meekness, and patient suffering of injuries, and often feel it his duty to act in opposition to the principle by which the worldly mind is governed—he knowing, that *whatsoever he does, he should do it heartily, as unto the Lord, and not unto men.* "My kingdom is not of this world," said our Saviour, "if my kingdom were of this world, then would my servants fight." But we assuredly believe, that *the stone cut out of the mountain without hands*, is gradually bringing into subjection, and will finally subdue, and *break in pieces, the kingdoms of iron, brass, clay, silver, and gold.* N.

* Morses' American Geography. † See this truth more fully illustrated, in a tract, entitled, "Sketches from the History of Pennsylvania," &c. sold by C. Gilpin, and others. ‡ Job Scott. § Journal of Job Scott. ‖ Job Scott's Journal. ¶ Sutcliffe's Travels in America. ** Fergus' Hist. United States. †† Sutcliffe.

* Memoir of Abel Thomas. † Account of John Pemberton, by Thomas Wilkinson. ‡ Life of John Pemberton. § Life of John Pemberton. ‖ Pemberton. ¶ Sutcliffe.

Gleanings from Foreign Papers.

MR. FREDERICK DOUGLASS A "PRESUMPTIVE" NEGRO.—The pro-slavery advocates in the land where all men—by their Magna Charta, the Declaration of Independence—are born free and equal, are angry, very angry indeed, with Mr. Frederick Douglass, because he is able and eloquent—such presumption! A recent speech of his at the New-York Tabernacle has been published in pamphlet form, ornamented with a ridiculous wood-cut of a negro dandy on its title-page, for the Southern market. The speech is prefaced with a few words, commencing—"The following report will show to Marylanders how a runaway slave talks, when he reaches the abolition regions of this country. This presumptive negro was even present at the London World's Temperance Convention, last year." Passing by Mr. Douglass's insolence in daring to be temperate, and publicly to avow it, we ask what these fellows mean by "a *presumptive* negro." Do they intend to intimate that his negro character is assumed, like an Ethiopian serender's, a pretence? *We* think a negro's is the very last character any one, not raving mad, would assume in America. *Jerrold's Newspaper.*

SALE OF MILTON'S HOUSE.—On Monday, in London Birkin Manor-house, the residence of Milton, was put up at auction. It is situated in the rural villages of Horton, Bucks, near the church, in which the remains of the poet's mother were deposited, and is about five miles from Windor Castle and Slough. The estate comprised, besides the house, about fifteen acres of rich orchard and meadow land. The sum of 2,700*l* was the highest offer for it, which was below the reserved price.

At Derrynane House chapel, mass is celebrated every morning by the Rev. J. O'Sullivan, who resides in the Abbey. On the right of the altar is a large chair or pew, where Mr. O'Connel used to sit. It has a back seven feet high, and this pew is now covered with black cloth, the door fastened, and no one is to enter it again.

STRONG vinegar poured down the crevices is a certain cure for cockroaches and crickets.

A Newcastle paper mentions the apprehension of a gang of thieves, whose business seems to have been carefully managed, as books were kept, and the profits of their plunder were regularly divided among the partners.

SMALL BEER, TREACLE, AND ALL KINDS OF VEGETABLES.—A correspondent sends us the following, which he states is the true copy of an inscription on a sign-board in a small village not a hundred miles from the city of York: "Reydin, wrighting, an arethmittick taute hear ackordin too the rhuldes of gramer. Alsoe red rutes red herin, an poetarters small bear at traycell an all kindes of vegeytebels solde hear bye vore humbel sarvent J——G——."—*Morning Post.*

HONOURABLE TO MASTER AND SERVANT.—There are now living at Southwick, near Monkwearmouth, six individuals who were workmen in an earthenware manufactory of the late Mr. A. Scott. At the time of his decease, which took place a short time ago, their united period of service under that gentlemen amounted to upwards of three hundred years! The whole six continue in the service of Mr. Scott's sons.—*Gateshead Observer.*

IMMENSE CIRCULATION OF LETTERS.—The number of letters that pass through the Post Office annually, for London and its environs alone, is 75,000,000. They average four inches in length and three inches wide. If this immense number of letters were laid down in a horizontal position, lengthways, they would reach to the extent of 5,734 miles; if laid so as to form square feet, the whole would cover 142 acres of land. They average in weight one-third of an ounce. The whole would weigh 697 tons. The postage of these, at one penny each, amounts to £312,500.

GASEOUS EMANATIONS; THE LIVING AND THE DEAD.—It is evident that it is a matter of paramount importance that the atmosphere—the first and last food of man and animals—should be breathed in a pure and uncontaminated condition. It is, therefore, unwise, unjust, and impolitic, to expose the majority of our population in towns to the constant influence of gaseous compounds, whose exact composition has, as yet, eluded chemical research, but of whose immediate effects on the human frame, I have produced evidence enough to set incredulity at defiance. Emanations from the dead, escaping in a pure and concentrated form, have caused the immediate loss of life, and the compound that can instantly extinguish life, must, when diluted by the surrounding atmosphere, give rise to slow poisoning, in a greater or less degree, as circumstances, more or less favourable or unfavourable, are in operation.—*From Mr. G. A. Walker's Third Lecture on Metropolitan Grave-yards.*

At a recent meeting in Cork, Father Mathew declared that "no one single individual teetotaller had become a victim to either famine or pestilence."

EPITAPHS ON TOMBSTONES.—A little girl walking in the Cemetery of Pere le Chaise, Paris, and reading one after another the praises upon the tombs of those who slept beneath, exclaimed: "I wonder where the bad people are buried!"

The *Bristol Gazette* states on the authority of a private letter that the Emperor of Russia had tested the excellence of the omnibuses of a new St. Petersburgh company, by taking a ride inside, and handsomely paying the fare, 10 copecks (about 3 1-2d.)

ELECTRIC CLOCKS.—An explanation of the mode of working clocks by electric